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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

ICELAND

[30 November 1994]

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Introduction

1. On 26 January 1990, Iceland signed the Convention on the Rights of the Child, of 20 November 1989, with a reservation regarding ratification. The Althing passed a resolution on 13 May 1992 authorizing the Government to ratify the Protocol, and on 28 October 1992 Iceland's document of ratification of the Convention was presented to the Secretary-General of the United Nations. The Convention on the Rights of the Child therefore came into force in Iceland on 27 November 1992.

2. This report has been prepared in accordance with article 44 of the Convention, which states that the signatories undertake to submit to the Committee reports on the measures adopted to give effect to the rights recognized in the Convention and the progress made on the enjoyment of those rights. This is Iceland's first report on this matter. It was prepared for the Ministry of Justice, in collaboration with other government ministries which deal with matters involving children, in addition to which information was obtained from many other government bodies and other parties which are concerned with the well-being of children. The compilation and structure of the report are based on the instructions provided by the Committee on the Rights of the Child concerning the presentation of reports; these are published in document CRC/C/5 dated 30 October 1991.

I. GENERAL OBSERVATIONS

3. Here follow a few facts about Iceland and some statistics concerning certain matters which are particularly relevant in connection with children. For further general information about the country and its people, please refer to HRI/CORE/1/Add.26 of 24 June 1993.

A. Political structure and government

4. Iceland is a republic with a parliamentary government. The president, members of the Althing (parliament) and local authorities are elected in general elections held every four years. The country received full independence when the union with Denmark was dissolved in 1944. The republic's Constitution dates from the same year, though many of its provisions are much older and can be traced back to 1874 when the country received its first constitution. The provisions on human rights are among the oldest in the Constitution, and in the last few years there has been increasing discussion of the need to amend the human rights section of the Constitution and bring its provisions into line with the international human rights conventions to which Iceland is a party. In June 1994 the Althing passed a resolution which stated that the revision of the human rights chapter in the Constitution shall be completed before the next regular elections, which are due in spring 1995.

5. The general principle of three independent branches of government is enshrined in the constitution. Legislative power is vested in the Althing and the President. The Althing consists of 63 popularly elected members who are elected by secret proportional ballot for terms of four years in eight constituencies.

6. Supreme executive power in each field is vested in ministers; there are 14 ministries. There have normally been fewer ministers, typically about 10, with some holding more than one portfolio. Division of responsibilities between the ministers is determined by law.

7. There are 27 magistrates who are the representatives of executive authority in the same number of administrative areas. The magistrates have many functions, including acting as commissioners of police and directors of customs, collecting revenues for the Treasury, performing civil marriages and granting licences for judicial separations and divorces, delivering rulings on rights of access to children and maintenance payments following divorce, ruling on the legal competence of individuals, registering official documents, recording deaths and taking various measures in connection with estates following death, seizing property and carrying out other measures of compulsory possession and distraint, holding auctions in execution of judgement, etc. In most cases, disputes regarding the actions of magistrates may be referred directly to the courts, particularly those regarding the execution of judgements and the settlement of estates at death; in other cases, the channel of appeal within the administrative system leads to the Ministry of Justice, particularly as regards decisions by the magistrates in matters of family law and legal competence.

8. There are (as of 1 January 1994) 196 local government areas in Iceland, with populations ranging from a few dozen to more than 100,000 people in the largest local government area, which is Reykjavík. Government policy in recent years has been to reduce the number of local government areas by combining them. Division of responsibility between the state and the local authorities is defined in law.

9. Under the Constitution, judges exercise judicial power. There are eight regional courts in Iceland, one in each electoral constituency. They exercise judicial authority in civil and criminal cases, deliver rulings on insolvency and bankruptcy proceedings and resolve disputes which arise in connection with the actions of the magistrates concerning the execution of judgements. The judiciary also delivers rulings in cases of dispute regarding the spheres of duty of the authorities. The general principle is that the courts have the power to judge any matter subject to national law unless it is specifically excluded from their jurisdiction according to law, custom or the nature of the case.

10. Judgements by the district courts may be appealed against to the Supreme Court, which is the appeal court for the whole country. Judgements in criminal cases may be referred to the Supreme Court providing certain conditions are met, and there are minor conditions regarding minimum interests at stake for civil cases to qualify for appeal to the Supreme Court.

11. Icelandic courts have considered themselves competent to assess whether legislation is materially at variance with the Constitution, even though this authority is not expressly stated in the Constitution itself. If the courts consider that a statutory provision is in conflict with a constitutional provision on human rights, they ignore such a statutory provision in their judgments. On the other hand, the courts do not have the authority to rescind laws formally, even if they are considered contrary to the Constitution.

12. The position of Ombudsman was created in 1988. The Ombudsman is elected by the Althing, to which he submits an annual report on his work; in other respects he is independent. The role of the Ombudsman is to monitor the administration of the state and the local authorities. It is his duty to defend the rights of private citizens vis-à-vis the administrative organs of the country. He assesses whether legislation violates the Constitution or is flawed in other respects; this includes an assessment of whether it is compatible with the human rights conventions to which Iceland is a party. The Ombudsman's conclusions are not binding on the government, and he is not able to invalidate Government decisions formally. Nevertheless, his conclusions are influential and place a strong requirement on the government authorities that they act in conformity with them, which they have done almost without exception.

B. Procedure in matters involving children

13. Responsibility in the principal areas concerning children is shared between three ministries and the authorities under their control. A general description of their functions follows below; more detailed discussion of the treatment of matters involving children is to be found in connection with the individual provisions of the Convention.

The tasks of the Ministry of Justice and the magistrates

14. All family law cases, including those listed in the Children's Act, No. 20 of 1992, are under the authority of the Ministry of Justice. The main matters covered in the Children's Act are: rules concerning paternity, maintenance and custody of children, the duties of parents and rights of access.

15. Under the Children's Act, magistrates exercise the power to make rulings at the lower administrative level except in cases involving disputes over custody. In disputes over custody, the parties may choose whether to refer the dispute to the courts or to the Ministry of Justice. Rulings delivered by magistrates in disputes under the Children's Act and the Legal Competence Act may be appealed against to the Ministry of Justice. The Ministry of Justice handles matters concerning the adoption of children, overall financial control, personal rights and the right of inheritance.

The tasks of the Ministry of Social Affairs and the child welfare authorities

16. On 1 January 1993, responsibility for child welfare passed from the Ministry of Education to the Ministry of Social Affairs. Under the new Protection of Children and Young Persons Act, No. 58 of 1992, which came into force at that time, the Ministry of Social Affairs now has overall control of these matters and is responsible for coordination and overall organization. The main matters covered in the Protection of Children and Young Persons Act concern the work of the child welfare authorities, i.e. the child welfare committees and the Icelandic Child Welfare Council and how the object of the Act, to ensure children and young people a satisfactory environment in which to grow up, can be achieved. The Act includes a description of the duties of the child welfare authorities towards individual children and young people and their families, measures of enforcement against parents, the placement of

children in foster homes and the legal procedure to be followed by the child welfare authorities. The Ministry of Social Affairs is also in charge of a large number of activities in the field of child welfare, such as developmental work and research, guidance and counselling for the child welfare committees, supervision and inspection of institutions in which children and young people are placed, and educational activities. The child welfare authorities at the lower administrative level which come under the Ministry of Social Affairs are the child welfare committees and the Icelandic Child Welfare Council, which has supreme authority to make rulings at the executive level.

17. Child welfare committees work for the local authorities and are elected by the local councils. As is mentioned above, there are nearly 200 local government areas, some of which have only a few dozen inhabitants. In a bill for a new Child Welfare Act, an expansion of the geographical areas covered by the child welfare committees was proposed so as to ensure that larger units would be involved in child welfare work than is now the case, but this proposal was not adopted. The smallness of many local authorities has meant that they have not really been able to undertake realistic child welfare work, both because they lack the financial resources and because they do not have the specialized knowledge necessary to resolve difficult child welfare cases. This situation has been criticized. It also means that it is difficult to obtain consistent information on the work of the child welfare committees throughout the country. For this reason, it has generally been regarded as sufficient in this report to describe, and cite statistics for, the activities of the Reykjavík Child Welfare Committee; as Reykjavík is by far the largest child welfare administrative area in the country, an evaluation of the application of legislation based on statistics from Reykjavík is likely to give the most representative impression. Since the new Child Welfare Act came into force on 1 January 1993, the Ministry of Social Affairs has gathered information on the work of the child welfare committees throughout the country. This information will be standardized, but at the time of writing this report, this information was not available.

18. Although the Act states that the smaller local authorities are to combine in the election of child welfare committees, this arrangement has not yet been put into practice. Therefore, there are still as many child welfare committees as there are local government areas. It can be expected that the smaller local authorities will be combined on a large scale in the coming years, and the areas administered by the child welfare authorities will increase as the number of authorities falls. Local authorities may entrust the functions of a child welfare committee to a social affairs council or social affairs committee, and this has been done in all the larger local government areas. In Reykjavík, which is by far the largest local authority, child welfare is handled by a special institution, the Department of Social Affairs, which works jointly with the Reykjavík Child Welfare Committee.

19. Each child welfare committee consists of five members with the same number of alternates, and they are normally to be composed of both men and women. Members must enjoy a good reputation as respectable citizens and have a clear understanding of the issues dealt with by child welfare committees. Efforts are to be made, where possible, to elect a lawyer to sit on the child welfare committee, and also to elect persons with specialist knowledge of

matters involving children. The child welfare committee is to employ specially qualified staff with a view to making it possible to provide parents, guardians and institutions in charge of child care with suitable counselling, education and instruction. Provision is to be made for social and psychological studies of children which may prove necessary in connection with the investigation and treatment of child welfare cases.

20. Child welfare committees are obliged to deliver a ruling regarding certain measures taken concerning children, young people and their guardians, and if there is no lawyer on the committee, the magistrate or his legally-qualified deputy shall take a seat on the committee. The instances in which the child welfare committee is obliged to deliver a ruling are:

When it is necessary to take measures without the consent of parents (art. 24 of the Act);

When it is necessary to deprive parents of the custody of a child (art. 25);

When it is necessary to deny a natural parent access to a child who has been placed in a foster home (art. 33);

When it is necessary that a child continue to be in a foster home even though the natural parents wish to end the fostering arrangement (art. 35);

When a child welfare committee has prohibited the transfer of a child out of the care of persons other than the child's parents, the committee must deliver a ruling as to the child's place of residence within three months (art. 40);

When it is necessary to deny persons access to data in the best interests of the child (art. 46).

21. The three-man Icelandic Child Welfare Council, with three alternates, is appointed for the whole country for terms of four years at a time by the Minister of Social Affairs. The chairman of the council must meet the requirements for being appointed a district court judge. The council members must enjoy a good reputation as respectable citizens and have a clear understanding of the issues concerning children and young people. The minister nominates the chairman and vice-chairman of the Child Welfare Council. Rulings by the child welfare committees may be appealed against to the Child Welfare Council for a final decision, and the Child Welfare Council is obliged to deal with cases and deliver rulings quickly. Lodging an appeal with the Child Welfare Council does not effect a postponement of the execution of a ruling by a child welfare committee, but in special circumstances the Child Welfare Council is able to decide that measures to be taken in accordance with a ruling by a child welfare committee are to be postponed until the council has delivered its ruling.

22. During 1993, a total of 20 new charges, involving 27 children, were referred to the Child Welfare Council from child welfare committees in

Iceland. The council delivered 14 rulings in 12 cases. Two cases were withdrawn, and at the end of 1993 there were six cases awaiting treatment by the council.

The task of the Ministry of Education

23. The Ministry of Education bears overall responsibility for matters concerning children's education, including nursery schools and primary schools.

The role of the courts

24. Under article 60 of the Constitution, judges are to resolve all disputes concerning the spheres of duty of the authorities. The Children's Act provides for the handling of cases at two administrative levels within the executive, i.e. a ruling by a magistrate, which may be referred to the Ministry of Justice; this applies, for example, in the case of rulings on parental access and child maintenance orders. The appeal options within the executive must be explored to the full before the case is referred to the courts. After a final ruling has been obtained from the Ministry of Justice, the case may be referred to the courts. The courts then examine whether the correct procedures were observed when the ruling was issued by the executive, and whether it was based on lawful considerations. Judicial practice in this area reveals that the courts also consider themselves competent to assess all the material points of a case. Thus, they examine not only the formal aspects of the ruling, but also the content. Rulings on custody under the Children's Act constitute a rather special case, since the magistrates do not deliver rulings in cases involving custody disputes. On the other hand, parents may choose whether they take the case directly to the Ministry of Justice or to the courts for a ruling.

25. Under the Protection of Children and Young Persons Act, cases are also handled on two levels. The first of these levels within the executive is the child welfare committee, the rulings of which may be referred to the Child Welfare Council. While the Act states that the rulings of the Child Welfare Council are final, and thus constitute the final level of appeal within the executive, the courts have not interpreted this as meaning that they are not competent to review the rulings of the Council. Thus, rulings by the Child Welfare Council have been referred to the courts, which review both the formal aspects of the case, i.e. the forms observed and procedures followed when the ruling was made, and whether it was based on lawful considerations, and also all the material points of the case. In the case of individual rulings by the child welfare authorities, e.g. enforcement measures against parents, intervention by the courts is not normally required in advance in order to apply such measures, but as has been described above, appeals may be lodged against them to the courts after the appeal channel to the Child Welfare Council has been exhausted. The one exception regarding involvement by the courts in advance is that in the absence of parental consent, a child welfare committee is only able to enter a private home or other place where children are living in order to examine a child's or young person's personal circumstances if a court order has been obtained.

C. Some statistical information concerning children

Population

26. The population of Iceland on 1 December 1993 was 264,922, consisting of 132,038 women and 132,884 men. Children and young people under the age of 18 accounted for 77,989, or about 30 per cent of the total. The proportion of children in Iceland is slightly higher than in the other Nordic countries, where it is in the range 20-25 per cent. The population growth during the previous 12 months (from 1 December 1992) was 2,729, or 1.04 per cent. About 2,600 people immigrated to Iceland during the period, while 2,700 emigrated. Births exceeded deaths by about 2,800.

27. In 1960, 8 per cent of the Icelandic population was aged 65 or older. In 1990 the proportion had reached 11 per cent, and it is expected to rise to more than 17 per cent by the year 2020. The proportion of children aged 0-6 is expected to drop substantially, from about 10.1 per cent in 1987 to about 7.7 per cent in the year 2000.

Numbers of births and family status

28. Iceland's birth rate dropped during the period 1961-1987 from 25.4 per 1,000 to 18.0 per 1,000. Numbers of births and the family status of new-born children in Iceland in recent years have been as follows:

Year	Total live births	Born in wedlock	Born out of wedlock
1991	4 553	1 945	2 558
1992	4 609	1 967	2 642

29. As can be seen from the above, less than half (43 per cent) of the children born in Iceland in recent years were born in wedlock. There has been a considerable change in this respect over the past few decades: in the years 1961-1965, 74 per cent of parents were married when their first children were born. On the other hand, an examination of the number of cases in which the parents of new-born children are cohabiting reveals the following:

Year	Total births out of wedlock	Parents cohabiting	Parents not cohabiting
1991	2 558	2 087	471
1992	2 642	2 103	539

30. The above figures show that in the great majority of cases (around 80 per cent), when children are born out of wedlock, their parents are cohabiting. The overall proportion of children whose parents are neither married nor cohabiting is just over 20 per cent.

31. The age of parents at the time of the birth of their children is lower in Iceland compared with the norm in Iceland's neighbouring countries. None the less, the average age of mothers at the time of the birth of their first child has been rising over the past two decades. In the period 1986-1990 the average age of mothers at the birth of their first child was 23.7 years, with 21 years as the most common age; in 1991-1992 it was 24.2 years, with 24 years as the most common age.

Infant mortality

32. The incidence of infant mortality in Iceland is low. In 1992, infant mortality was 4.7 per 1,000 births.

Life expectancy

33. Life expectancy in Iceland in the years 1991-1992 was 75.4 years for men and 80.89 years for women.

The nuclear family

34. On 1 December 1992, it was estimated that there were 63,540 nuclear families in Iceland. This figure broke down with regard to structure as follows:

Married couples without children	22,209
Married couples with children	23,350
Cohabiting couples	2,262
Cohabiting couples with children	7,565
Man with children	531
Woman with children	7,632

The average nuclear family size on 1 December 1992 was 2.95 individuals.

Division by urban and rural areas

35. In 1993, about 92 per cent of the population lived in urban areas and 8 per cent in rural areas. (Urban areas are defined as concentrations of 200 people or more.)

Employment

36. The average length of the working week is 49.8 hours in the case of men and 33.9 hours in the case of women. Unemployment stood at about 5 per cent at the end of 1993, against 4.7 per cent at the end of 1992. The total number of people without employment at the end of 1993 is estimated at about 7,500; the unemployment rate was 5.9 per cent for women and 4.4 per cent for men.

Unemployment was highest (15.8 per cent) among the lowest age group (16-19 years). The rate of participation in employment by both parents is one of the highest among Western countries.

Child day care

37. Nursery schools are run by the local authorities and by hospitals. They offer care of children under school age and are staffed by specially-qualified preschool teachers. They are open to children from the time that maternity leave ends until the children reach the age of six. The breakdown by age and time spent in nursery school per day, in percentages, is as follows:

	4-5 hrs/day	5-6 hrs/day	7-8 hrs/day
0-2 years	6.9	1.5	5.2
3-5 years	46.1	12.4	15.2
0-5 years	26.0	6.8	10.1

38. Day-care centres are run for children of school age, i.e. aged from 6 to 10. The total number of children who made daily use of the day-care institutions (nursery schools and day-care centres) during 1992 was 12,419.

39. Surveys have shown that proportionally fewer children in Iceland are placed in day care on an all-day basis than in the other Nordic countries. Fewer day-care places are available in Iceland than in the other Nordic countries.

Education

40. Compulsory schooling lasts for 10 years in Iceland. Children attend this first, compulsory, level of school from the age of 6 to 16. During the 1992/93 school year, there were just over 41,000 children in the primary schools, including more than 13,000 in the Reykjavík area, which is by far the largest educational region in the country. After primary school, secondary school caters for children aged 16 to 20. During the 1992/93 school year, there were just under 18,000 pupils at secondary school level in Iceland. There is an annual registration fee of ISK 5,000-10,000, with additional charges for materials, where appropriate, in the secondary schools. During the 1992/93 academic year, about 4,900 students were registered in the University of Iceland. Students at the university pay a very small fee.

Child welfare work

41. Iceland devotes 2.5 per cent of GDP to work in the field of social welfare and health, including day-care facilities, youth activities and child welfare.

II. MEASURES IN ACCORDANCE WITH THE CONVENTION

42. Iceland became a signatory of the Convention on the Rights of the Child on 26 January 1990, with a reservation pending ratification. On 13 May 1992, the Althing passed a resolution authorizing the Government to ratify the protocol. On 28 October 1992, Iceland's ratification document was presented to the Secretary-General of the United Nations. The Convention came into force in Iceland on 27 November 1992.

43. Iceland's constitutional structure follows the theory in international law that international conventions do not automatically gain the status of domestic law even though they have been ratified; they are only binding in international law. Neither the Convention on the Rights of the Child nor other United Nations international human rights conventions have been incorporated in law in Iceland, and therefore they cannot be invoked directly in the Icelandic courts. The only international human rights agreement which has been incorporated in Icelandic law is the European Convention on Human Rights, under Act No. 62 of 1994.

44. On the other hand, the interpretative legal principle is applied that national law should be interpreted with reference to international law, but where they are mutually exclusive, the former shall generally take precedence. In the last few years, Icelandic courts have increasingly been taking account of, and referring to, international human rights conventions. However, no cases are known in which reference has been made to the Convention on the Rights of the Child in Icelandic judgements, though it should be borne in mind that when this was written, it was not long since Iceland ratified the Convention.

45. The Icelandic Government has always regarded domestic legislation as being in conformity with the international human rights conventions which it has ratified unless a special reservation has been made, with reasons.

A. Measures to bring Icelandic legislation into line with the Convention

46. A general review of Iceland's legislation dealing with children has taken place, and it has undergone great changes in the past three years. Most of the most important statutes in this area, and the regulations that have been issued under them, are therefore recent. Amongst the most significant are the following:

The Adoption Act, No. 15 of 1978

The Secondary Schools Act, No. 47 of 1988

The Local Authorities' Social Services Act, No. 40 of 1991

Regulations on the Day Care of Children in Private Houses, No. 198 of 1992

The Primary Schools Act, No. 49 of 1991

The Children's Act, No. 20 of 1992

Regulations, No. 231 of 1992, on Administrative Procedures in Cases under the Children's Act

The Protection of Children and Young Persons Act, No. 58 of 1992

Regulations on the State Institution for Maladjusted Youth, No. 15 of 1993

Regulations on Children's Summer Hostels and Summer Camps, No. 160 of 1993

Regulations on Therapeutic Supervisors, Personal Counsellors and Supportive Families, No. 452 of 1993

Regulations on the Working Procedures of the Icelandic Child Welfare Council, No. 49 of 1994

The Nursery Schools Act, No. 78 of 1994

The Children's Ombudsman Act, No. 83 of 1994.

47. When the Children's Act and the Protection of Children and Young Persons Act were revised, great emphasis was placed on bringing them into line with the points of view expressed in the international human rights conventions to which Iceland is a party, in particular the Convention on the Rights of the Child. The Children's Act, No. 20 of 1991, came into force on 1 July 1992, replacing an older Children's Act of 1981. Among the principal changes introduced in the new Act for the aforementioned purpose, the following may be mentioned.

48. The terms "legitimate" and "illegitimate", which were in the old act, were dropped. The new Act addresses the legal status of children in general, without reference to these basic concepts. The provisions regarding paternity and the establishment of the paternity of a child, and those provisions which were based on this difference in the older act, are now worded without being based on these terms. In fact, the children of cohabiting couples were granted the same legal status as those of married parents in the old act.

49. Statutory provision was made for the first time in the new Children's Act for parents being able to agree on joint custody in the event of divorce or the separation of a cohabiting couple. Unmarried parents who do not live together are also entitled to agree on joint custody.

50. Various amendments were made to the rules of the older act on procedure in cases involving custody. One of these was that it was set in a statute for the first time that a child who has reached the age of 12 is to be given the opportunity to express his or her opinion regarding custody, and that the question should be discussed with younger children, taking into account their age and maturity. It is emphasized that care should be exercised when investigating the child's point of view, and that consideration towards the

child should be of prime concern. The statute also establishes a legal authorization for appointing a spokesman for a child, at the State's expense, in connection with the resolution of custody disputes.

51. One change in the new Children's Act is the principle that the courts are to deliver rulings to resolve disputes between parents over the custody of a child except where the parties agree to seek the ruling of the Ministry of Justice in a custody dispute. Parents are now in all cases able to present a request to the courts for a modification of the custody arrangement, while under the old act, they did not have access to the courts if they had previously taken the option of having the Ministry of Justice make a ruling in a custody dispute. The old arrangement was criticized, and in one case it was examined in an appeal made from Iceland to the European Commission on Human Rights.

52. Various modifications were made to the provisions concerning decisions on rights of access between children and parents. The main change is that rulings in cases of dispute over access are now delivered by the magistrates, but the parties to the case may appeal against a magistrate's ruling to the Ministry of Justice. Under the old system, rulings on right of access were made solely by the Ministry of Justice. The view was taken that having two administrative levels deal with these cases would lead to greater security under the law. The intention is that rulings by the Ministry will be aimed at establishing uniform practice in matters concerning access.

53. The new Children's Act codified rules on official procedure and rulings in cases referred to the authorities under the act. Before the Act came into force, these rules were unclear, though they had evolved in the course of administration and were in fact observed in the Ministry of Justice in the handling of cases under the old act. In the new Children's Act and the Regulations No. 231 of 1992, on Administrative Procedures in Cases under the Children's Act, special provision is made regarding jurisdiction, obligations regarding guidance, out-of-court settlements, claims and the gathering of evidence, the right of parties to examine evidence and to express an opinion on a case, and also the form and contents of rulings. Rules are also codified on appeals against those rulings by a magistrate, against which appeals may be made to the Ministry of Justice.

54. The new Protection of Children and Young Persons Act, No. 58 of 1992, came into force on 1 January 1993, replacing the older Protection of Children and Young Persons Act of 1966. Various changes in the new Act were aimed at improving the legal status of children. Amongst the main innovations in the new act, the following may be mentioned.

55. As has been described above, overall supervision of child welfare was transferred from the Ministry of Education to the Ministry of Social Affairs. This was done in the light of the fact that the Ministry of Social Affairs carries out general supervision of the work of the local authorities and of various projects which they implement, including social affairs. Child welfare work is connected in various ways with the social services provided by the local authorities, and so it seemed that the Ministry of Social Affairs, as the executive authority, was in a far better position than the Child

Welfare Council to carry out effective monitoring of the work of the child welfare committees and the duties of the local authorities, and to take action if these parties did not fulfil their duties according to law.

56. The functions of the Child Welfare Council were changed: it no longer has the dual task, which it had under the old act, of giving the child welfare committees advice in connection with the resolution of individual cases and giving final rulings in the same cases. Detailed rules on procedure were set by the issue of the Regulations on the Working Procedures of the Icelandic Child Welfare Council, No. 49 of 1994.

57. Clearer provisions were enacted regarding the obligations of the child welfare authorities towards children and young persons. The new Act specifies the obligations of the authorities towards children who become involved in offences, and towards the victims of offences.

58. Far more detailed rules were enacted concerning the placement of children in foster homes, and the legal status of children in foster homes, the foster parents and the natural parents.

59. There are new provisions regarding the authorization of the child welfare committees to enter private homes in order to check on children, their home conditions and other circumstances. Under the act, inspection visits may only be made to private homes if the parents or guardians give their approval, or on the basis of a court order, except in emergency cases. If the approval of parents or guardians has not been granted, and the case is not an emergency case, a judge must be contacted and must issue a special permit to enter the home.

60. In the old act, provisions on procedure in child welfare cases were scattered among various articles. In the new act, a special section deals with working methods and the handling of child welfare cases, and it sets out far clearer rules than those which applied previously.

61. The legal status of children and young persons in child welfare cases is defined more clearly than before, this being aimed to increase the protection they enjoy under the law. For example, the Act states that children shall generally have the right to express their point of view on their cases, and this is obligatory where the child has reached the age of 12. Under special circumstances, the child welfare committee may also appoint a special spokesman for a child or young person.

62. As regards legislative changes other than those discussed above in connection with the statutes dealing with children, mention should be made of the great reforms that have been enacted through the first codification of general rules on the handling of cases at the administrative level, i.e. the Administrative Procedure Act, No. 37 of 1993, which came into force on 1 January 1994. The Act covers all administration by the State and the local authorities except in cases where separate statutes contain stricter rules on procedure. The Act is intended to apply when the authorities take decisions on the rights and obligations of individuals or legal persons. The main aim of enacting the Administrative Procedure Act was to guarantee people the maximum security under the law when decisions of this type are taken in

their dealings with the State. Therefore, the Act codified rules on procedure in government administration, i.e. rules on both form and content regarding the preparation of cases and their resolution, including the right of the individual to observe the handling of the case by the authorities, to express his point of view and to protest. These rules were not codified previously, though they were applied as fundamental rules within the executive.

63. While this report was being prepared, the Althing passed the Children's Ombudsman Act, No. 83 of 1994. Models for the position are to be found in Norway and Sweden. The bill is aimed at improving the position of children in society, and it is planned that the Ombudsman will defend their interests and rights, the term "children" here referring to individuals under the age of 18. Under the Act, the President of Iceland is to appoint a Children's Ombudsman for terms of five years, acting on the recommendation of the Prime Minister. The Children's Ombudsman shall have completed a university degree, and if he has not taken the qualifying examination in Law, then a lawyer shall be employed in his office.

64. The task of the Ombudsman is to strive to have administrative officials, individuals, societies and associations of individuals take full account of the rights, needs and interests of children. In his work, he is to make recommendations and proposals on reforms regarding the interests of children in all areas of society. In particular, the Children's Ombudsman is to:

Initiate discussion in society on children's affairs, aimed at determining policy;

Put forward recommendations on the reform of legal provisions and instructions given by administrative officers, which specifically concern children;

Encourage compliance with the international agreements ratified by Iceland which concern the rights and welfare of children;

Take the available measures if he considers that administrative officers, individuals, societies and associations of individuals have acted against the rights, needs and interests of children in society, by delivering a statement, backed by arguments, to the party concerned, together with recommendations on remedial action, where appropriate;

Use his influence to publicize legislation and other legal rules concerning children and young people, and to promote studies in this area.

65. The Children's Ombudsman can investigate cases either on his own initiative or when they are brought to his attention. He does not handle disputes between individuals, but is obliged to give guidance to anyone approaching him with such cases regarding the mechanisms which exist, both within the executive and the judiciary. The office of Children's Ombudsman is intended to be independent of the control of the executive, although the Ombudsman is required to give an annual report to the Prime Minister on his activities during the previous calendar year. Owing to how recent the Act is

at the time of writing this report, it is not yet possible to report on the work of the Children's Ombudsman, but it is hoped that the creation of this position will lead to a consolidation of the rights of the child in Iceland.

B. Overall coordination of policy on children's affairs and monitoring of the application of the Convention

66. No special officials have been appointed to monitor the application of the Convention in Iceland; therefore, each of the ministries in charge of the various aspects of the Convention are responsible for monitoring and enforcing its application. Human rights are one of the fields which are under the purview of the Ministry of Justice. Thus, the Ministry is responsible for preparing reports on the Convention and gathering and coordinating data from other ministries and public bodies on its application.

67. The Althing's Ombudsman may, acting on his own initiative, investigate matters of executive administration and draw attention to flaws in legislation, including cases in which it conflicts with the human rights provisions of the Constitution, the provisions of the European Convention on Human Rights which have been incorporated by Act No. 62 of 1994, or the international human rights conventions of which Iceland is a member.

68. The Children's Ombudsman (see above) will be concerned in particular with whether the provisions of the Convention on the Rights of the Child are complied with, and will draw the attention of the Government to cases of non-compliance. As has been explained, the position is of too recent an origin for there to be cases to report on here.

69. An advertisement concerning the Convention on the Rights of the Child was published in Division C of the Government Gazette No. 18 of 2 November 1992, along with other international agreements ratified by Iceland. The Convention was published there in its entirety in Icelandic and English. The Ministry has also published the Convention as an offprint, and it is available from the Ministry free of charge. As regards other forms of publicizing of the Convention in Iceland by the government, a lawyer on the staff of the Ministry of Justice has given lectures on the Convention at conferences organized by the Icelandic Red Cross, and *Bernskan*, the Icelandic department of OMEP. These lectures have since been published by the above-named organizations. An article by a lawyer on the staff of the Ministry of Justice and the Legal Advisor to the Ministry of Foreign Affairs has been published in Iceland's second largest law journal. It is planned to give the Convention regular publicity in future, and for this purpose the Minister of Justice has appointed a working group with representatives from the ministries of justice, social affairs, health and education in order to study, and make proposals on, the form that further publicity should take. It has been decided to allocate ISK 2 million to the publicity project during the current year. The working group mentioned above has drawn up a publicity programme to begin in the autumn of 1994. One of the items planned is the issue of the Convention on the Rights of the Child in three versions, for children in the age groups 6-9 years, 9-12 years and 12-15 years; these will be distributed to all primary school children in about 50,000 copies. The National Centre for Educational Materials has been consulted regarding teaching the contents of the Convention, and directions have been compiled for teachers. The

Convention has also been given special attention in the media. It should be mentioned that a study mounted by the Reykjavík Department of Education is currently in progress, entitled "An international survey of children's rights at home and at school". It is being carried out in collaboration with the International School Psychology Association and the aim is to gain knowledge of the connection between the attitude to children's rights and social formation, both in individual countries and internationally. The aim is also to investigate whether there is a connection between how rights are perceived and how they are stated in the Convention on the Rights of the Child. The study is to take place in three phases. It is planned to present the first questionnaires to the participants (who are aged 12-14) in September 1994, and the first conclusions of the study are expected in the middle of 1995. It is planned to follow this up with further studies involving other age groups and special groups in society, such as immigrants. It can be expected that the results of these studies will be of value in the future for the preparation of reports on the implementation of the Convention on the Rights of the Child in Iceland, particularly in connection with assessing the effectiveness of the Government's measures to publicize the Convention.

Participation by non-governmental organizations in child welfare and the publicizing of the Convention

70. There are many types of societies and organizations in Iceland which work in one way or another in the interests of children. For example, *Barnaheill*, which is a non-governmental organization, aims to represent children in society by making the State, the local authorities and associations work for the greater well-being of children by influencing legislation and by making the public and politicians better aware of children and the environment in which they live. The association's revenues are derived from members' subscriptions; current membership is about 11,000. The association has taken the initiative in various areas regarding publicizing the Convention on the Rights of the Child.

71. At the end of October 1992, when Iceland ratified the Convention on the Rights of the Child, *Barnaheill* organized a two-day conference on the Convention. The conference was well attended, and a large number of lectures were delivered. These were later published in the organization's periodical early in 1993. The organization published excerpts from the Convention in Icelandic, and distributed them to its members and to the main public institutions involved in child welfare. It is planned to televise two short films which the organization has made on the Convention. The organization has not received public funding for its work on publicizing the Convention.

72. A special Human Rights Office was founded in Reykjavík in the spring of 1994; comparable offices have been functioning in the other Nordic countries for some time. The following bodies are involved in the office: the Icelandic Division of Amnesty International, *Barnaheill*, the Bishop's Office, the Icelandic United Nations Society, the Icelandic Bar Association, the Church Aid Organization, the Red Cross, the Women's Rights Association, the Equal Status Council and the Icelandic branch of UNIFEM. It can be expected that the Human Rights Office will be concerned with the application

of international civil rights conventions in Iceland, including the Convention on the Rights of the Child, but at the time of writing, the office has not been functioning for long enough for its work to feature in this report.

73. Besides being published as an offprint by the Ministry of Justice, the Convention has been published, in Icelandic, together with other international human rights agreements which Iceland has signed. These were published by a law office in Reykjavík in 1992.

III. THE TERM "CHILD"

74. No general definition is to be found in Icelandic law of the age limits applying to children, young persons or minors; instead, various reference points in the age bracket 15-18 years are used in various statutes containing special provisions regarding children and young people. These provisions are intended either to provide children and young persons with protection of a particular type, or to grant them particular rights up to a certain age, or state that they acquire particular rights at a specific age. In what follows, a general survey is given of the principal statutes containing special provisions on children and young persons, with specific age limits, but more detailed treatment of them will follow in the discussion of individual articles of the Convention.

75. In the Protection of Children and Young Persons Act, No. 58 of 1982, the term "child" refers to individuals under the age of 16, while young persons are individuals in the age range 16-18 years.

Provisions which grant children and young persons rights or impose obligations on them

76. Under the Primary Schools Act, No. 49 of 1991, local authorities are obliged to provide primary schools for all children and young persons aged between 6 and 16 years. All children and young persons in this age range are obliged to attend primary school.

77. A child has the right to be in the custody of his or her parents until the age of 16, while under the Children's Act, parents' obligation to support their children ends when the child attains the age of 18.

Provisions which grant children and young persons specific protection

78. In the Penal Code, No. 19 of 1940, the criminal responsibility of children begins at the age of 15, and special considerations apply to the determination of punishment for young persons in the age range 15-18 years. In no case may a person be sentenced to a heavier punishment than eight years' imprisonment for an offence committed when aged in the range 15-18 years.

79. Under the Penal Code, sexual intercourse or other sexual acts with a child under the age of 14, is punishable by up to 12 years' imprisonment, and other sexual harassment is punishable by up to 4 years' imprisonment. Enticing young persons in the age range 14-16 years by means of deception, gifts or any other method to engage in sexual intercourse or other sexual acts is punishable by up to four years' imprisonment. Up to 6 years'

imprisonment is prescribed for having sexual intercourse with one's own child or relative, and up to 10 years' imprisonment in cases where the child is under the age of 16. Other sexual advances towards one's own child or another relative are punishable by up to two years' imprisonment, and up to four years' imprisonment in cases where the child is under the age of 16. Comparable penalties are imposed to protect adopted children, stepchildren, the children of a cohabiting spouse and young persons who are entrusted to a person for education or raising.

80. Under the Code of Criminal Procedure, No. 19 of 1991, various special provisions apply where children or young persons are involved, both during the investigation of a case, before a charge is made and during the handling of the case in court. If a person under the age of 16 who has been charged is questioned, a child welfare committee must be informed and may send a representative to be present during the questioning. The judge may decide to hold the session in camera if the accused is under the age of 18.

81. Various special provisions also apply regarding witnesses and the giving of evidence regarding a child, both in civil and criminal cases. In the Code of Civil Procedure, No. 91 of 1991, the general rule is that any person aged 15 or over is obliged to appear in court as a witness. However, the judge is able to decide, with regard to the circumstances in each individual case, whether a person under the age of 15 shall be required to make a statement as a witness. In criminal cases, no minimum age is specified regarding the obligation to bear witness. Under the Code of Criminal Procedure, the judge is to assess in each individual case whether a child has reached a level of maturity such that his understanding of the facts of the case will be sufficient to render significant his evidence about them. Finally, it is an invariable rule, both in civil and criminal cases, that witnesses under the age of 15 are not made to confirm their statements by taking an oath or giving their word of honour.

82. Under the Hygiene and Safety at Work Act, No. 46 of 1980, children under the age of 16 and young persons aged 16 and 17 enjoy special protection at work. A child under the age of 14 may not be engaged for work unless the tasks involved are light and do not involve risk. The working time of children aged 14 and 15 may not exceed the normal working time of adults employed in the same occupation, and young persons aged 16 and 17 years may not work more than 10 hours per day. The child welfare committees are responsible for ensuring that children and young persons are not strained by heavy work or work that is injurious to health, long working hours or abnormal working conditions.

Provisions which specify a minimum age for the acquisition of certain rights

83. The rules regarding personal competence and financial competence in the case of children are to be found in the Legal Competence Act, No. 68 of 1984. This specifies that the individual acquires personal competence at the age of 16. Personal competence means that the individual alone is able to take decisions in all matters, except regarding finance. This refers first and foremost to place of residence and employment, and the individual cannot be placed in a hospital against his will. Up until the age of 18, the individual may only take decisions regarding money he has earned and for which he has

already worked, and money which he has been given. At the age of 18 the individual becomes financially competent, which means that he alone can take decisions regarding all his money. A financially competent person is able to dispose of his possessions and to take on financial obligations. When the individual has attained both personal and financial competence, he is regarded as legally competent. Legal guardians are in charge of the affairs of individuals who are not legally competent. Legal guardians are, first and foremost, the parents of minors (children who have not attained legal competence), who exercise custody over them. The legal guardian of a person who is not legally competent takes decisions regarding his personal circumstances, including employment contracts, unless other provision is made in law.

84. Under the Marriage Act, No. 31 of 1993, the age at which persons are free to marry in Iceland is 18. The Ministry of Justice may grant younger persons permission to marry. When marriage takes place, both spouses become legally competent, even if they have not reached the age of 18.

85. Under the Traffic Act, No. 50 of 1987, those who have reached the age of 17 may be issued with driving licences.

86. Under the Firearms, Explosives and Fireworks Act, No. 46 of 1977, an individual may receive a licence to own firearms when he attains the age of 20, providing he has not been deprived of personal competence and meets other conditions set forth in the act.

87. Those who have reached the age of 16 may decide to join or leave a religious denomination under the Religious Denominations Act, No. 18 of 1975. Parents, acting jointly, are able to take a decision on their child's joining or leaving a religious denomination. A parent who exercises sole parental custody may take such a decision. No one who has not reached the age of 20 may make a valid vow regarding joining a religious order or entering a monastery or nunnery or similar organization, and it is forbidden to receive such a vow.

88. On attaining the age of 18, the individual acquires the right to vote in general, local government and presidential elections.

89. Under article 6 of the Income and Property Tax Act, No. 75 of 1981, a child under the age of 16 during an income year is not regarded as an independent entity for taxation purposes if he is supported by his parents.

90. Children and young persons aged 16 and younger are medically insured with their parents, and the same applies to stepchildren and foster children.

91. Under the Alcoholic Beverages Act, No. 82 of 1969, it is forbidden to sell, serve or provide alcohol to persons under the age of 20, and young persons under the age of 18 are not permitted to be present in catering establishments with alcohol licences after 8 p.m. except when accompanied by their parents or spouse. The sale and consumption of narcotics is illegal, irrespective of age.

92. There are no domestic armed forces in Iceland, and therefore no military service; thus the questions of military service and disputes concerning minimum age in connection with it do not arise.

93. As can be seen from the above examples, the term "child" is not defined in the same way in Icelandic legislation as it is in article 1 of the Convention on the Rights of the Child, as there is no unequivocal statement of the age limit involved; instead, the limit depends on the type of right or protection granted in each individual case. However, despite the fact that there is no general definition, it can be concluded that the rights set forth in the Convention are in fact guaranteed to all those under the age of 18, as is specified in article 1.

IV. GENERAL PRINCIPLES

A. The principle of equality (art. 2)

94. Icelandic legislation contains no general statement of principle to the effect that children are not to be discriminated against on the grounds listed in the article. Nevertheless, this general principle is one of the foundations of the Icelandic Constitution. Article 78 of the Constitution states the general rule that privileges based on aristocratic standing, titles and legally-conferred status may never be incorporated in law.

95. In article 11 of the Administrative Procedure Act, No. 37 of 1993, it is expressly laid down as a fundamental principle for the handling of cases by the executive authorities that officials are forbidden to discriminate against persons on the grounds of their sex, race, colour, nationality, religion, political opinions, social standing, ancestry or other comparable grounds.

96. Under article 233 a of the Penal Code, public attacks against groups of persons involving mockery, slander, belittlement, threats or other acts on the grounds of their nationality, colour, race or religion are punishable by fines or custody or imprisonment of up to two years. There have been no instances of this provision being invoked before the courts.

97. Nowhere in Icelandic legislation are children discriminated against on the basis of their race, colour, sex or other characteristics listed in article 2. In separate statutes, there are instances where the equal status of children is specifically stated, for example, in article 48, paragraph 3, of the Primary Schools Act, No. 49 of 1991, which states that the aim of the study and teaching, and the other functions of the primary schools, shall be such as to prevent discrimination on the basis of origin, sex, place of residence, class, religion or disability.

B. Priority of the interests of the child (art. 3)

98. One of the most important considerations which functions as a guiding principle in the resolution of cases involving children under Icelandic law is that priority shall always be given to the interests of the child. This is set forth in many places in legislation concerning children as a fundamental principle to be borne in mind when resolving cases, even though it is not specifically stated in individual provisions concerning procedure in cases

involving children. An example of the general policy in law to the effect that the interests of the child shall be given priority at all times can be found in article 1, paragraph 1, of the Protection of Children and Young Persons Act, which reads as follows:

> "The aim of child protection shall be to guarantee children and young persons satisfactory conditions for their upbringing. This shall be done by supporting the nurturing and educative role of the family and applying remedies to protect individual children where appropriate. In work directed towards child protection, measures shall at all times be adopted which may be expected to be in the best interests of the child or young person. Work directed at child protection shall be carried out in such a way as to promote stability in the development of children and young persons."

99. This fundamental viewpoint is emphasized in various individual provisions of the Protection of Children and Young Persons Act. Under articles 24 and 25, for example, a child welfare committee is permitted to take various measures if it is demonstrated that a child's health or development may be jeopardized through neglect, incompetence or misconduct on the part of the parents. These measures include making an order to deprive the parents of the custody of the child if the child is in serious danger. Article 33 states that foster parents are to be chosen specially in terms of the interests and needs of the child concerned. Article 36 states that the access of a child in foster care to its natural parents may be restricted if, due to specific circumstances, this would result in the child's interests and needs being put at risk.

100. Under article 12 of the Protection of Children and Young Persons Act, a general duty of notification is placed on all persons who become aware that a child is being maltreated, its upbringing is being neglected or its living conditions are so unsatisfactory that the child is in danger, to inform the child welfare committee in the local government area in which the child lives. Under article 60 of the Protection of Children and Young Persons Act, failure to inform a child welfare committee of such bad treatment, or such poor living conditions of a child or young person as to constitute a threat to his life or health, is punishable by fines, custody or imprisonment of up to two years.

101. Those who are involved with children or young persons, such as pre-school teachers, day-mothers, teachers, ministers of religion, doctors, midwives, psychologists, social workers and others who provide social services or advice, are charged with a special duty to inform the child welfare authorities if there is reason to believe that a child's circumstances are such as to warrant intervention by a child welfare committee.

102. Finally, the police have a duty to inform a child welfare committee when they handle a case involving a child or young person. In the case of a child under the age of 16, the child welfare committee is also to be given the opportunity of having an employee or a representative in attendance when the child is questioned. If a parent wishes to be present when his or her child under the age of 16 is questioned, this is normally permitted.

103. The Children's Act also states that the interests of the child are to be given priority. This applies particularly in the part of the Act which deals

with parental duties, custody of children and rights of access. Article 35 of the Children's Act states, inter alia, that if either parent demands an amendment of an agreement or order by a court or the Ministry of Justice regarding custody, such a demand may only be granted in the event of changed circumstances and with regard to the interests and needs of the child. In particular, this means, for example, that changed and improved circumstances of the parent who does not exercise custody are not sufficient to bring about a transfer of custody from the parent whose circumstances have not changed; instead, the guiding principle is that the smallest possible changes are to be made in the child's living conditions, place of residence and social environment.

104. Article 37 of the Children's Act, which deals with rights of access, contains the view that a child has the right of access to the parent who does not exercise custody, and that this right is mutual as regards the parent. On the other hand, the exception is made in paragraph 3 of the same article that if, in the view of the magistrate, particular considerations render access between the child and the parent contrary to the child's interests and needs, he is able to rule that the right of access does not apply. Restrictions on the right of access could apply, for example, in cases where a relatively mature child is opposed to access, or where access is demanded to a very young child who has not previously had any contact with the parent requesting access. A total ban on access may apply if the person requesting access is mentally ill, is known for acts of violence or sexual offences involving children, or suffers from other defects which make it undesirable that he should have contact with the child.

105. Under the Local Authorities' Social Services Act, No. 40 of 1991, a special social affairs committee functions in each local government area. One of its roles is to ensure the welfare and interests of the children and young persons in the local government area. The committee is to ensure that children enjoy an environment in which to grow up which is beneficial and conducive to their development, including, for example, nursery schools and leisure time activities. The committee is also to ensure that children's living conditions are not deficient, and that the environment does not contain hazards for children. Preventive work by the social affairs committees regarding children and young persons is directed towards improving the conditions conducive to children's development and their general environment in society, and is not directed towards individual children. An example of preventive work by social affairs committees in this area is the running of nursery schools, which are intended to provide children with a good environment in which to develop and supervised care which provides them with security. In this connection, mention may be made of good playgrounds where children are able to play safely, facilities for sports and leisure activities, and the providing of organized leisure activities suitable for children.

106. Both the Nursery Schools Act and the Primary Schools Act contain preambles which state that the interests of children are to be given priority, both through the educative and developmental work of the nursery schools and by the work of the primary schools being organized in the fullest possible conformity with the nature and needs of pupils and encouraging the general development, health and education of each individual.

C. The right to life, survival and development (art. 6)

107. The right to life of all individuals is protected in Icelandic law. Under article 211 of the Penal Code, depriving another person of his life is punishable by imprisonment of not less than five years, or life imprisonment.

108. The Penal Code also contains special provisions granting special protection to newborn children and unborn children. Article 212 of the Penal Code states that if a mother kills her child during or immediately after birth, and there is reason to believe that she did so due to want or fear of scandal, or due to an enfeebled or confused state of mind, this is punishable by up to six years' imprisonment. If only an attempt to kill took place, and the child has not sustained any injury, punishment may be waived. Only one instance is known when a charge has been brought for the violation of article 212 of the Penal Code; in 1993 a district court gave a woman an 18 months' suspended sentence for having killed her fully-developed child at birth. No appeal was lodged to the Supreme Court against this sentence.

109. The unborn child is given special legal protection under article 216 of the Penal Code. This states that a woman who kills her foetus shall incur custody or imprisonment of up to two years. If there are particular mitigating circumstances, punishment may be waived. A case may not be brought if two years have elapsed since the offence was committed, and an attempted offence is not punishable. The article also states that any person who, with the mother's consent, kills her foetus or renders her assistance in effecting an abortion, shall incur up to four years' imprisonment. In the case of substantial guilt, particularly if the act is committed for gain or leads to the death or serious loss of health of the mother, up to 8 years' imprisonment shall be imposed, and if the act was carried out without the mother's consent, punishment is to be not less than 2 years and up to 12 years. This provision has not been invoked before the courts in recent decades.

110. Under Icelandic law, abortion is a medical operation which a woman undergoes in order to terminate pregnancy before the foetus has achieved a viable stage of development. The provisions on abortion are found in Act No. 25 of 1975 on Counselling and Education regarding Sex, Childbearing, Abortion and Sterilization. Abortion is permitted under three types of circumstances: for social reasons; for medical reasons; if the woman has been raped or has become pregnant as a consequence of another punishable act.

111. Abortion is to be carried out as soon as possible, and preferably before the end of the twelfth week of pregnancy. Abortion may never be carried out after the sixteenth week of pregnancy unless there are unequivocal medical reasons and the woman's life and health would be placed in greater jeopardy by further pregnancy and/or birth. Abortion is also permitted after the sixteenth week if there is a great likelihood that the foetus is deformed, suffering from genetic disorders or will be damaged.

112. The number of abortions increased after 1975, but has fallen slightly in recent years. Social reasons are the most common grounds for abortion.

Abortions in Iceland, 1971-1991

	Total	Per 100 live births
1971-75	203	4.6
1976-80	472	11.0
1981-85	670	16.0
1986	685	17.7
1987	695	16.6
1988	673	14.4
1989	670	14.7
1990	714	14.9
1991	658	14.5

113. There are regular health checks for expectant mothers. Pre-natal checks are carried out every month during pregnancy by midwives and obstetricians in the out-patient departments and maternity wards, and the frequency is increased to every two weeks or every week during the last weeks of pregnancy. Pre-natal check-ups are free of charge. A central register of pregnant women is maintained for the whole country, and women can therefore move between localities and report for check-ups wherever it suits them. There is a regular programme of checks on the health and development of infants, and they undergo a programme of immunization beginning at the age of three months. Schoolchildren in the primary schools are inspected by a doctor at least once a year.

114. All women who give birth to children have the right to maternity leave, which is normally six months from the date of birth. Civil servants and bank employees also have the right to full wages during maternity leave. Other women on the labour market and women who are engaged in studies, receive, in addition to maternity leave, a maternity grant and a per diem maternity allowance under the Social Security Act, No. 117 of 1993.

115. The Health Services Act, No. 97 of 1990, is based on the view expressed in article 6 of the Convention. The Act states the policy that all people in Iceland should have access to the most developed health services it is possible to provide at any given time in order to protect their mental, physical and social health. Patients pay only a small part of the cost of doctors' services, medicines and hospital services. The health service includes all types of health clinics, hygiene inspection, medical tests, medical attention and nursing in hospitals, medical rehabilitation, dentistry and ambulance services. A further description of the health system is to be found in the discussion of article 24 of the Convention.

D. Respect for the child's point of view (art.12)

116. Before the adoption of the new Children's Act and Protection of Children and Young Persons Act, there was no unconditional provision concerning the child's right to express his or her own views on all matters affecting the child, or stating that due weight should be given to those views. Nevertheless, this principle was applied in general legal practice.

117. When the legal position of children and young persons was clarified by the new Protection of Children and Young Persons Act, the principle was adopted in law that children normally have the right to express themselves concerning their affairs which are under treatment by the child welfare authorities. This principle is unequivocal in cases where the child is 12 years old or older. At the same time, the law gave the child welfare committees the right to appoint a special spokesman for a child or young person under special circumstances. This measure is dealt with in article 22 of the Act, and applies if the child welfare committee considers it unavoidable to place a young person temporarily in an institution because he poses a serious threat to his own health and development by the use of narcotic drugs. If such placement is against the will of a child aged 12 or over, the child is to have the opportunity to present his or her views to the committee with the aid of a special spokesman. A child under the age of 12 may be given the opportunity to express himself in this way if he or she requests it.

118. A comparable rule on the right of the child to express himself on matters concerning himself was adopted in law with the new Children's Act. An example is found in article 34, paragraph 4, which states that a child who has reached the age of 12 is to be given the opportunity of expressing his or her views on a custody dispute except where it may be considered that this would have a bad effect on the child or where it is of no significance concerning the resolution of the case. This could apply, for example, in cases where the child is mentally retarded or one of the parents is evidently incapable of exercising custody over a child. The provision also states that younger children may be consulted, if this seems justified in terms of their age and maturity. Once again, the qualification is stated here that this is not to be done if it could be damaging for the child's health. The practice has become established in Iceland of seeking the views of young children through interviews with psychologists. It is assumed that interviews under this provision will be held under the auspices of the child welfare committees or that specially appointed skilled persons will be in charge of them, as determined by a court or official, but a judge or official is also able to speak to the child. In general, however, this is not done in court. The rule on the child's right to express his or her views also applies in cases regarding right of access.

119. Article 34, paragraph 5, of the Children's Act states that a spokesman may be appointed for a child, at the State's expense, in order to defend the child's interests when a custody dispute is resolved. "Spokesman" here refers, for example, to a specialist in the field of psychology, child psychiatry or social counselling who is entrusted with the task of assisting a child who is the subject of contention between parents in particularly difficult custody disputes, if the party handling the dispute considers that the child urgently needs assistance in connection with the case. A judge, or the Ministry of Justice, is also able to seek the assistance of a child welfare committee for the child, particularly in cases where the committee's comments in a custody dispute have not been sought.

120. Article 6 of the Adoption Act, No. 15 of 1978, states the unqualified rule that a child aged 12 or older may not be adopted without his written permission. The child is to receive guidance regarding the legal implications

of adoption before giving his or her consent. The same conditions concerning the child's consent are also imposed regarding the withdrawal of an adoption licence.

121. Under the Personal Names Act, No. 37 of 1991, a child whose paternity is known may use a patronymic or metronymic surname based on the name of the step-parent. An adopted child shall use a patronymic or metronymic surname based on the name of an adoptive parent unless the adoptive parent requests that the child retain his or her original surname. These provisions regarding changes in the surname of a child are, however, subject to the approval of the child himself, providing he has reached the age of 12. A child who has been given a forename before being adopted may be given a new forename in the adoption papers, either instead of the original forename or in addition to one forename he or she has received. Normally, however, this decision shall be subject to the approval of the child, where this can be given, irrespective of age.

122. Under the Religious Denominations Act, No. 18 of 1975, those who have reached the age of 16 may decide to join or leave a religious denomination. Up to that age, parents are able to take a decision on their child's joining or leaving a religious denomination. A parent who exercises sole parental powers may take such a decision. If the child has reached the age of 12, his or her views must be consulted before a decision is taken.

V. CIVIL RIGHTS

A. Name and nationality (art. 7)

123. Birth records are prepared for all children born in Iceland, both Icelandic and foreign, and these are kept at the Statistical Bureau of Iceland. On request, the Statistical Bureau provides birth certificates corresponding to the birth records. The doctor or midwife who delivers a child compiles its birth record, which must state, inter alia, all details that can be interpreted concerning the child's development and the mother's account of the child's paternity.

124. Every day, all the birth records from the Maternity Ward of the National Hospital in Reykjavík are sent to the Statistical Bureau; records are sent every week from hospitals outside Reykjavík. When birth records are received by the Statistical Bureau, the sex of the child is entered in the National Register, and its patronymic surname, if its parents are married or cohabiting; alternatively, the child is given a metronymic surname until an admission of paternity is received by the National Register from the man cited as the father by the mother at the time of birth, or a court order has been made establishing the paternity of the child.

125. A child receives an ID number in the National Register as soon as the birth record is sent in, and its name is entered when notification of the giving of a name has been received. The children of diplomatic staff, and of troops in the US Iceland Defense Force at Keflavík Airport, do not, however, receive ID numbers automatically, and are not entered in the National Register; this arrangement is in accordance with valid international agreements.

126. The rules on personal names are set forth in the Personal Names Act, No. 37 of 1991. Under the act, all children must be given names within six months of birth. A child may receive its name at baptism in the National Church of Iceland or in another registered religious denomination, or through notification to the Statistical Bureau of Iceland, the National Register, a minister of religion or the head of a registered religious denomination. If a child has not been named six months after birth, the National Register is obliged to draw the attention of the child's parents to their legal obligation and to urge them to name the child without delay. If the parents have taken no action within a month, and do not give any reason for the delay in naming the child, the Statistical Bureau may impose per diem fines on the parents, which apply until a name is given. The provision for per diem fines has not been invoked since the Personal Names Act was passed.

127. Under the Personal Names Act, a personal names committee is appointed by the Minister of Justice for terms of four years at a time. One of its main roles is to compile a list of personal names which are considered acceptable, and to act in an advisory capacity to ministers of religion, the heads of registered religious denominations, the Statistical Bureau, the Ministry of Justice and the guardians of children concerning the giving of names, and to rule in cases of dispute involving names, the giving of names, how names are to be written, etc. Rulings by the committee are final within the executive, but the courts are able to invalidate a ruling by the committee if it is demonstrated that it is based on an unlawful point of view or the correct procedures have not been followed. A person may have both his forename and surname changed according to rules specified in the Personal Names Act. However, parental assent is required in the case of persons under the age of 16.

128. In Icelandic law, it is regarded as an automatic basic principle that children accompany their natural parents and enjoy their care, and this aim is nowhere worded specifically in legislation. It could be said that the new provision in the Children's Act, that parents who do not live together may have joint custody of their child, is a part of the attempt to ensure that children receive, as far as possible, care from both their parents.

129. Broadly speaking, there are only two exceptions to this general principle. One case is where a child is adopted; under the Adoption Act, an adopted child acquires the same legal position towards its adoptive parents, their relatives and those who are related to them by adoption, as it would have if it were the legitimate child of the adoptive parents. As of the same date, the child's legal connections with its natural parents cease to apply, unless other provision is made in law. An adopted child, its natural parents and its adoptive parents have at all times unrestricted access to data at the Ministry of Justice regarding the adoption, even though this right is not expressly stated in the Adoption Act. This right to information is stated expressly in article 15 of the Administrative Procedure Act, which states that the party to a case has the right to examine documents and other evidence pertaining to his case. No lower age limit is stated in the case of an adopted child wishing to obtain information about his natural parents, and there are examples of children as young as 12 requesting information about

their adoption without their adoptive parents acting on their behalf. In general, however, requests for access to information of this type are relatively rare.

130. The other exception to the general principle that children enjoy the care of their parents is related to the measures taken by child welfare authorities under the Protection of Children and Young Persons Act. If the child welfare authorities consider that a child's health or development would be seriously jeopardized through neglect, incompetence or misconduct on the part of the parents if the child were to live with its parents, the child welfare committee may rule that the child be removed from the home and placed in a foster home or hostel, or may order a medical examination, or the placement of the child in hospital or another institution in order to ensure its safety and enable the appropriate examination of the child to take place. However, decisions of this type are always temporary, and are not to apply for longer than necessary. They are to be reviewed not less often than every six months.

131. Article 25 of the Protection of Children and Young Persons Act authorizes a child welfare committee to deprive one or both parents of custody by means of an order if:

> There is something seriously deficient in the upbringing and day-to-day care of the child, and the parents' contact and communication with it, in terms of its age and stage of development;
>
> The child is ill or disabled and the parents have not secured for it the appropriate treatment, training or education;
>
> The child is abused, sexually maltreated or is forced to suffer serious mental or physical harassment or degradation in the home;
>
> It is considered certain that there may be a threat to the child's physical or mental health or development because the parents are evidently incapable of exercising custody over the child, for example, because of their drug abuse, serious mental disorder or substantial mental deficiency, or the parents' conduct is likely to cause the child serious damage.

Depriving parents of custody is regarded as an absolute final measure, and one that may only be employed if other measures to alleviate the situation have been tried but proved fruitless.

132. Under Article 68 of the Constitution, a foreign national may only acquire Icelandic citizenship by an act of law. Citizenship is governed by the Citizenship Act, No. 100 of 1952. Under article 1 of the act, a child acquires Icelandic citizenship at birth if it is legitimate and its father or mother is an Icelandic citizen, and, in the case of an illegitimate child, if its mother is an Icelandic citizen. This is the one exception from the general principle in Icelandic legislation that no distinction is made between the legal position of legitimate and illegitimate children. It must, however, be viewed in the light of the policy that prevailed at the time the act was passed, which was to prevent the occurrence of dual citizenship. If the foreign mother of an illegitimate child born in Iceland receives Icelandic

citizenship, then the child also receives it if the child is under the age of 18 and is legally resident in Iceland, unless the father is a foreigner and exercises custody over the child. If an Icelandic man and a foreign woman have a child before they marry, the child receives Icelandic citizenship when the parents marry, providing the child is unmarried and has not reached the age of 18.

133. If the parents of a child born in Iceland are foreign nationals, or if the child is illegitimate and the mother is a foreign national, then the child does not receive citizenship at birth, and may therefore be without nationality unless it receives the nationality of the parents. A child found in Iceland is considered to be an Icelandic citizen until evidence is produced to the contrary.

134. Foreign nationals may acquire citizenship by naturalization. In this case they apply for citizenship to the Ministry of Justice. The Ministry presents a bill with a list of the foreign nationals who have applied for citizenship, and this is then presented to the Althing. One act is normally passed each year granting Icelandic citizenship.

B. The right to preserve identity (art. 8)

135. The rules on the forfeiture of Icelandic citizenship are set out in the Icelandic Citizenship Act. Under article 7 of the act, an Icelandic citizen loses his Icelandic citizenship in the following cases:

(i) If he acquires foreign citizenship upon his application, or with his unqualified assent.

(ii) If he acquires foreign citizenship by entering government service in another State.

(iii) If an unmarried child under the age of 18 becomes a foreign citizen as a result of his or her parents, who exercise custody over the child, acquiring foreign citizenship as described in (i) or (ii) above, or one of the parents, who exercises sole custody, or who exercises custody together with the other parent who is not an Icelandic citizen, acquires foreign citizenship in one of the manners described above.

136. Under article 8 of the Icelandic Citizenship Act, an Icelandic citizen loses his Icelandic citizenship at the age of 22 if he was born abroad and has never been legally resident in Iceland or lived in Iceland for any purpose from which it can be deduced that he wishes to be an Icelandic citizen. However, the President may permit him to retain his citizenship if he submits an application before that time. If a person loses Icelandic citizenship in the way described above, then the person's children under the age of 18 also lose Icelandic citizenship which they have acquired on the grounds of his citizenship, except where this would leave them without nationality.

137. A special rule applies to the loss of Icelandic citizenship in the case of a person who holds dual citizenship. Article 9 of the Icelandic Citizenship Act states that it may be determined through agreements with other

States that a person who at birth also became a citizen in another particular State will lose his Icelandic citizenship when he reaches the age stated in the agreement, which may not be lower than 19 years and not higher than 22 years if he has been legally resident for the past five years in the State with which the agreement is made. No such agreement has yet been made with another State.

138. Under the Personal Names Act, special rules apply to the names of foreign nationals who become Icelandic citizens and the adaptation of their names to the Icelandic name system. The Icelandic name system is special in that the general rule is that family names (family surnames) are not used. In general, following their forenames, Icelanders have names based on their fathers' name i.e. the second name is formed from the father's name with the suffix "son" (son for a man or "-dóttir" (daughter) for a woman; it is also permitted to base these names on the mother's name, though this is rarely done in practice.

139. Article 15 of the Personal Names Act states that if a person with a foreign name acquires Icelandic citizenship by act of law, his children aged 15 or younger shall adopt an Icelandic forename and an attributive surname approved by the personal names committee. His children aged 16 years or older may also do so. The person himself shall adopt an Icelandic forename together with a name he already has. His children are to use an attributive name based on this name. If the person prefers, he may change his forename and/or his surname, according to the provisions of the act. A child born after the parent has acquired Icelandic citizenship by act of law must be given an Icelandic forename and an Icelandic attributive surname.

140. Various provisions of the Personal Names Act have been criticized, including the rule that foreign nationals must adopt an Icelandic forename if they acquire Icelandic citizenship and that their children under a certain age are not permitted to use their surname but are obliged to use an attributive surname based on this Icelandic forename, while children over a certain age are permitted to retain their foreign surname. The Minister of Justice has appointed a committee to revise the Personal Names Act. The provisions named above are among those to be revised.

C. Freedom of expression (art. 13)

141. Article 72 of the Constitution guarantees the right of the individual to express his opinions in print, but he must be prepared to answer for them before a court. Under the article, censorship and other hindrances to freedom of publishing may never be introduced in legislation.

142. The main restrictions on freedom of expression to be found in Icelandic law are based first and foremost on the protection of people's reputation. Reputation is protected by punitive provisions in the Penal Code. A person who considers his reputation to be damaged by the publication of printed material or by comments on radio or television can bring an action for libel or slander before the courts and demand the imposition of punishment, and also the nullification of the comments and damages for non-financial loss.

143. The provision on the freedom of expression in print is viewed as applying to all individuals, and no special rule applying to children is considered

necessary. On the other hand, it must be remembered that there are restrictions on the extent to which children may be made to answer for their actions in court. As is described above, the minimum age for incurring punishment is 15 years. Under Icelandic law, liability to pay compensation damages is not restricted to a particular age, as is the liability to incur punishment. Theoretically, therefore, children may be liable to pay compensation according to the culpa rule, but instances of this are virtually unknown.

144. In the Print Act, No. 57 of 1956, various conditions are laid down for publishing operations, without their being regarded as hindrances in terms of article 72 of the Constitution. Article 10 of the Act states, inter alia, that the publisher and editor of a paper or magazine must be legally competent. This therefore entails a restriction on publishing activities by children, inasmuch as the condition of a minimum age of 18 must be met by editors and publishers.

145. It must be remembered that those who exercise custody over a child have both the right and the duty to control the child's personal circumstances and to discharge other parental duties. This rule is set out in article 29 of the Children's Act. Parental duties must involve intervention and various restrictions on the child's freedom of action, and thus it is natural that a child should have to suffer more restrictions on his freedom of expression by his parents than an adult would have to.

D. Access to information (art. 17)

146. Until 1985, the Icelandic State had a monopoly on the operation of radio and television. The Broadcasting Act, No. 68 of 1985, abolished the State's monopoly in this area, and there is now one television station in addition to the State-run station, and there are about 10 radio stations in operation. A licence to operate a radio or television station in Iceland must be sought from the Broadcasting Licensing Committee, which functions under the Broadcasting Act. The Broadcasting Licensing Committee consists of seven members elected by proportional ballot by the Althing (parliament) for terms of four years. Advertisements may be broadcast on radio and television as in the printed media, though advertisements for alcoholic drinks and tobacco are banned.

147. As regards material for children and young persons, the provisions of the Broadcasting Act cover both the duties of broadcasting stations in general and those of the National Broadcasting Service in particular. Article 3, paragraph 2, item 5 of the Broadcasting Act states that broadcasting stations are responsible for the material which they broadcast, in accordance with the Protection of Children and Young Persons Act, the Penal Code or other statutes as appropriate. However, there have been no instances of the liability of broadcasting stations as regards punishment or compensation being invoked before the courts in Iceland in connection with violations of this type.

148. The National Broadcasting Service currently operates one television channel and two radio channels. Article 15 of the Broadcasting Act addresses the type of service which the National Broadcasting Service is obliged to

provide. It states, inter alia, that particular care is to be taken to have on offer varied material which is suitable for children, both on radio and on television.

149. At Icelandic National Radio, there is a special children's and young persons' department. On average, children's programmes amounting to about 40 minutes per day are broadcast on one of the channels of Icelandic National Radio. Attempts are made to have maximum participation by children in programming, and to ensure that the material is informative and contributes to the development of children and young persons rather than being purely entertainment. Children's programmes are televised every day on both Icelandic National Television and the privately-operated television channel. On Icelandic National Television, children's programmes amount to about one hour per day during the week, and from one-and-a-half to three hours each day at the weekend. Domestically-produced children's programmes form a rather small proportion of the whole, but at least two hours per week consist of domestically-produced material, and occasionally Icelandic films or documentaries are televised. The bulk of the foreign children's programmes which are shown are bought from foreign television stations. It is the policy of Icelandic State Television to dub into Icelandic all material for the youngest viewers. There has been extensive collaboration with television stations in the other Nordic countries on the purchase of children's programmes, and recently Icelandic State Television began taking part in collaborative projects organized by the television stations in the European Broadcasting Union (EBU). Attempts are made to have at least a minimum proportion of children's programmes of an educational nature, and to keep the proportion of pure light entertainment moderate.

150. In 1992, 1,672 books, either Icelandic or translated into Icelandic, were published in Iceland. Of these, 247, or about 15 per cent, were children's books, and 351 were educational textbooks, most of which were published for use in primary schools.

151. Under the Prohibition of Violent Films Act, No. 33 of 1983, it is prohibited to produce in Iceland, or to import into Iceland, violent films, this term referring to films in which particular emphasis is placed on showing any type of maltreatment of people or animals or brutal methods of killing. A special body, the Icelandic Film Classification Board, assesses whether films could have a detrimental effect on children's morals or mental life, and determines whether an age restriction should be set covering children of 16 or younger, and if so, what the age restriction is to be. In the case of an extremely violent film, the Board is able to impose a ban on its distribution.

152. Article 210 of the Penal Code prohibits the publication and distribution of pornography. Under the Print Act, if pornography is published in print, the person responsible for the publication is to receive a fine, custody or imprisonment of up to six months. The same punishment applies to the manufacture or import, for purposes of dissemination or distribution, of pornographic writings, pornographic films or other such items, or having them on public view, and also to holding a public lecture or play which is immoral in the same manner. If the Icelandic Film Classification Board considers that a film violates this provision of the Penal Code as regards pornography, it

notifies the Director of Public Prosecutions, who decides whether there are grounds for applying to a court for the confiscation of the film or video.

153. Child welfare committees and law enforcement officers are responsible for ensuring that only films which the Icelandic Film Classification Board has examined and authorized for distribution are distributed, shown or offered for sale or hire. Those who sell, show or distribute films in another manner are prohibited to deliver a film to children or young persons if they are under the age specified in the rating given to the film by the Film Classification Board.

154. Violations of the Prohibition of Violent Films Act are punishable by fines or custody of up to 12 months, and illegal films are confiscated under the Act.

E. Freedom of thought, conscience and religion (art. 14)

155. The right of the individual to determine his thoughts and convictions without restriction is not expressly stated in the human rights provisions in the Constitution, as it is regarded as automatic and irreducible. There is no authorization in Icelandic legislation to restrict this right, and no circumstances would be considered as justifying such a restriction, which is regarded as being in fact impracticable.

156. Under article 62 of the Constitution, the National Church of Iceland is the Evangelical-Lutheran Church, and to this extent the State is to support and protect it. Freedom of religion prevails in Iceland, and is protected under articles 63 and 64 of the Constitution. Article 63 states that people in Iceland have the right to found societies for the service of God in the way which best suits the convictions of each individual; however, nothing may be taught or performed which is contrary to good morality and general order. Finally, article 64 of the Constitution states that no person may suffer any abridgement of his civic or national rights on account of his religion, and that no person shall be obliged to make a personal payment to any form of divine worship other than that to which he himself adheres. If a person is outside the National Church, then he pays to the University of Iceland, or to a fund supporting the university, as appropriate, the dues which he would otherwise have been obliged to pay to the National Church, providing he is not a member of another religious group recognized in Iceland. The Parish Dues (Etc.) Act, No. 91 of 1987, contains further rules on the share borne by the National Church congregations, the registered religious denominations and the University Fund in the payment of income tax.

157. People have the right to establish religious denominations; rules on such matters are to be found in the Religious Denominations Act, No. 18 of 1975. Under this Act, every individual is free to practise his religion and serve God, alone or together with others, in the way which best suits the convictions of each individual; however, nothing may be taught or performed which is contrary to good morality and general order.

158. No one is obliged to belong to a religious denomination in Iceland. After reaching the age of 16, the individual is free to decide whether he belongs to a religious denomination, and then which one. A legitimate child

is regarded as belonging to the same denomination as its parents; if the parents do not belong to the same denomination, then the child shall, from birth, belong to the same denomination as the mother. The same applies to a child born out of wedlock, or following the dissolution of the parents' marriage. Parents may decide jointly on the entry by their child under the age of 16 into a religious denomination or withdrawal from a denomination. A parent exercising sole custody may also take such a decision, as may a legal guardian if the parents do not exercise custody over the child. The opinion of a child who has reached the age of 12 must be consulted regarding a decision on registration in a religious denomination.

159. All persons are permitted to establish religious denominations outside the National Church without any obligation to notify the authorities of their establishment or functioning. Registration may be sought for religious denominations outside the National Church. On registration, religious denominations receive rights and obligations which are set out in further detail in the Religious Denominations Act.

160. Registration in and outside religious denominations in Iceland in recent years are shown below:

	1992	1993
Total population	262 202	264 922
The National Church	241 634	243 675
Free churches	8 252	8 374
Catholics	2 419	2 484
Adventists	778	780
Pentecostal Congregation	1 062	1 089
Sjónarhæðarsöfnuður	52	52
Jehovah's Witnesses	541	556
Baha'ists	379	384
Ásatrú (Nordic pagans)	119	130
Krossinn ("The Cross")	317	309
Church of Jesus Christ and Latter-Day Saints	163	157
Vegurinn ("The Way")	654	755
Orð lífsins ("Word of Life")	28	43
Other denominations/unspecified	2 218	2 458
Not registered in denominations	3 586	3 676

161. In Iceland, religions are protected by law, irrespective of the denomination involved. Article 125 of the Penal Code states that any person who publicly mocks or belittles the religious doctrines or divine worship of a legal religious grouping in Iceland shall incur fines or custody.

162. The Primary Schools Act contains a provision on the religious instruction of children in primary schools. Article 42, paragraph 2, of the Act states, inter alia, that the Ministry of Education is to set a general syllabus for primary schools which contains further provisions on the educative role of the school and the general policy regarding pedagogy and the structure of studies, which are to include provisions on the teaching of the Christian faith and

morals and also teaching on the other main religions. The General Syllabus for Primary Schools in Iceland of 1989 states, inter alia: "It is important to show consideration when dealing in matters and viewpoints connected with the home, for example, consumption and lifestyle. This applies particularly in the case of religious beliefs and attitudes to life. In the light of the special position of these matters, especially as regards freedom of religion, individual pupils may be granted exemption from particular parts of the compulsory studies in primary schools." The special section of the syllabus dealing with the Christian faith, morality and religious teaching states the policy that primary school teaching in these areas is intended to provide a knowledge and understanding of various religions and attitudes to life and how they are manifested in religious celebration and daily life. It is stated that the teaching ought to assist pupils to mix with, and respect, people who have a different religion or attitude to life. It is stated that the main subject matter is to be the religions of the world and other contemporary attitudes to life. The differences between them and Christianity are to be emphasized. Teaching is to be purposeful and balanced, and where possible, individuals of different faiths are to be invited to give an account of their attitudes to life.

F. The rights to freedom of association and peaceful assembly (art. 15)

163. The right of all individuals to form associations is protected under article 73 of the Constitution. Under this provision, it is permitted to form associations for any legal purpose without seeking permission. This right is not subject to any restriction regarding, for example, sex, age or nationality. No association may be dissolved by a governmental act. An association may be banned temporarily, however, but then a legal action must be brought against it in order to have it dissolved. There are no provisions in Icelandic legislation specifically referring to children's freedom of association.

164. Various rules apply under Icelandic law to the registration of associations and the notification to the authorities of the establishment of associations, according to the functions of the associations involved. In some cases, registration of the association is a precondition for its being authorized to begin operations and being able to acquire legal personality. In the light of the rules on the age of legal competence, a minimum age of 18 is automatically required for authorization to form an association which is to engage in financial activities and undertake financial commitments. This applies, for example, to the founders of a limited company (cf. the Limited Companies Act, No. 32 of 1978) and of a cooperative company (cf. the Cooperative Companies Act, No. 22 of 1991).

165. Reference is made to the discussion of Article 14 of the Convention in section (E) above regarding the foundation of religious denominations. No minimum age is laid down regarding the foundation of a religious denomination, but if a religious denomination is to be registered, the condition is made that the minister of religion or head of the denomination must not be younger than 25 years old.

166. No conditions are laid down regarding the establishment or functioning of political parties in Iceland, and there are no special rules regarding their

registration or any obligation to give notification of their establishment or functioning in other respects. On the other hand, it must be remembered that a minimum age limit of 18 years applies to both the right to vote and the right to stand for election to the Althing (parliament) and local authorities.

167. No ban has ever been imposed on the activities of an association in Iceland. Thus, the restrictions provided for under article 73 of the Constitution have never been applied.

168. The right to peaceful assembly is guaranteed under article 74 of the Constitution, which states that people have the right to assemble without arms. The police are authorized to attend public meetings, and public meetings in the open may be banned if it is considered that there is a danger of them leading to public disorder.

169. The right to assembly is protected under article 122 of the Penal Code, which imposes fines, custody or imprisonment of up to two years for attempting to obstruct the holding of a legal meeting and the use of force or threats for this purpose. Disturbing the peace at legally convened meetings on public affairs by means of rowdiness and provocative behaviour may also result in punishment.

170. The right to assembly is guaranteed to all, irrespective of whether children or adults are involved. However, it must be remembered that children's freedom to attend meetings must be subject to certain limitations, such as the rules on the decision-making power of those who exercise custody over the child. Article 57 of the Protection of Children and Young Persons Act contains rules which restrict the hours which children may spend out of doors. Thus, children aged 12 years and under may not be in public places after 2000 hours except when accompanied by an adult, and children aged 13-16 may not be in public places after 2200 hours unless they are returning home from a recognized sports or youth meeting. During the summer, the time which children may spend out of doors is extended by two hours.

G. Protection of privacy (art. 16)

171. The principle of the privacy of the home is enshrined in article 66 of the Constitution. This also states that house searches may not be made, and letters and other documents may not be embargoed or examined, except when a court order has been issued or special authorization exists in law.

172. The privacy of the home and private life, and the reputation of individuals, are granted special protection by law. Section XXV of the Penal Code is devoted exclusively to offences of this type and the punishments applicable to them. These include, for example, violation consisting of prying in letters or other documents relating to people's private life, publicly divulging information about the private life of another individual, entering a house without authorization, disturbing the peace of another individual by persecuting him with letters, telephone calls or other means and damaging another person's reputation by insulting words or actions.

173. It is an absolute condition that a court order or a direct authorization in law is needed in order to deviate from the general principle of the privacy

of the home and private life. By contrast, there is no authorization for deviating from the legal protection of the reputation of the individual. Icelandic legislation contains a few provisions concerning deviations from the principle of the privacy of the home and private life, especially those concerning the need to make investigations under the Code of Criminal Procedure, No. 19 of 1991. In these cases, however, a court order is always required.

174. Various provisions in the Code of Criminal Procedure are specifically intended to protect children. An example is article 8 of the code, which states that a judge may hold the hearings in a criminal case *in camera* if the accused is under the age of 18, and this is done particularly in order to protect the young persons involved.

175. The Protection of Children and Young Persons Act contains some special provisions concerning intervention by the child welfare authorities in the home life of children and young persons. The general rule is that a child welfare committee or its employees may only enter a private home, children's home or other place where children live in order to investigate the personal circumstances of a child or young person if the permission of a parent or guardian has been obtained, but may do so on the basis of a court order if such permission has not been obtained.

176. If it is necessary for a child welfare committee to take emergency measures, the chairman of the committee, or his employee acting on his behalf, may take the measures, but shall refer the matter to the child welfare committee for confirmation without delay, and not more than one week afterwards. Under such circumstances, a home may be entered if there is reason to believe that a child is in imminent danger.

177. There exist other authorizations for action which may be taken by the child welfare authorities without the consent of the parents besides those described above in the discussion in section A above of article 7 of the Convention. They may only be applied in cases of absolute emergency if it is evident that the child's health or development may be in danger due to neglect or incompetence or misconduct on the part of the parents. Under such circumstances, article 24 of the Act grants a child welfare committee the right to determine, by means of an order:

That the home is to be put under surveillance;

Instructions regarding facilities and care of the child, such as placement in a nursery school, attendance at school, medical services, treatment or training;

That the child is to be removed from the home, placed in a foster home or hostel, examined by a doctor or placed in a hospital or other institution in order to ensure his or her safety or in order to enable the appropriate examination of the child to be made.

The decisions described above shall in all cases be temporary, and may not be applied for longer than necessary in any given case. They must be reviewed

not less often than at six-monthly intervals. Orders by a child welfare committee may be referred to the Child Welfare Council. Appeals against decisions by the Council may be brought before the courts.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

178. Physical assault, including torture, is punishable under article 27 of the Penal Code; naturally, this applies equally to children and adults. Imprisonment and fines are the only types of punishment in Iceland, and older provisions for corporal punishment have long since been rescinded.

179. Corporal punishment is forbidden in nursery schools and primary schools and everywhere else. There are various special provisions in legislation which grant children special protection as regards corporal punishment and inhuman treatment. Article 53 of the Protection of Children and Young Persons Act states specifically that corporal and mental punishment may not be applied in homes or institutions for children and young persons. If a child is subjected to improper treatment in a children's home or educational institution, the child welfare committee is obliged to reprimand the institution involved. If this is not effective, the matter is to be referred to the Ministry of Social Affairs, which may deprive the home or institution of the right to continue operations.

180. Under article 64 of the Protection of Children and Young Persons Act, fines, custody or imprisonment of up to two years shall be imposed for applying punishment, threats or intimidation to a child or young person which can be expected to damage the child mentally or injure him or her physically. Finally, fines, custody or imprisonment of up to two years may be imposed for gross or immoral behaviour towards a child or young person, and for offending or insulting him or her.

181. If the police have to question a child under the age of 16, a child welfare committee representative and the child's parents are permitted to be present.

182. Children under the age of 15 may not be punished in Iceland, and no person may be sentenced to more than eight years' imprisonment for an offence committed at the age of 15-18 years.

VI. FAMILY MATTERS

183. As has been described above in the discussion of articles 3 and 12 of the Convention, the child's personal circumstances, requirements and best interests constitute fundamental considerations in the application of the Children's Act and the Protection of Children and Young Persons Act. In all resolutions of cases by the administrative authorities and the courts, the child's best interests are to be borne in mind. In the texts of the Children's Act and the Protection of Children and Young Persons Act, considerable attention is paid to this point of view, and even though it is not expressly stated in each and every provision, this does not alter the fact that this point of view must always be observed as a basic principle.

184. Article 29 of the Children's Act states the general rule that parents exercise custody over a child and that they are obliged to discharge their custodial and parental duties in a way that best suits the child's personal circumstances and requirements. If parents fail to discharge these duties and the child's circumstances or environment are unsatisfactory, the child welfare authorities are obliged to employ appropriate remedies under the Protection of Children and Young Persons Act. In this connection, however, balance must be preserved between ensuring the safety and well-being of children and young people and reducing excessively the privacy of the individual and the home. Since all intervention by the child welfare authorities entails disturbance, to a greater or lesser degree, of the private life of the family involved, one of the main aims of the enactment of the new Protection of Children and Young Persons Act was to lay down extremely clear rules on when such intervention is considered justifiable. The basic view was adopted that intervention by the child welfare authorities should be directed exclusively towards assisting the child when the parents fail in their duties towards him or her, and that intervention can only be justified if it leads to an improvement in the child's personal circumstances or environment.

185. The Protection of Children and Young Persons Act assumes that parents, first and foremost, are responsible for their children and their upbringing. Thus, the child welfare authorities are obliged to assist parents in looking after their children if it is demonstrated that they are unable to meet these obligations without help.

A. Parental direction and guidance (art. 5)

186. Chapter VI of the Children's Act deals with parental duties and the custody of children. A child has the right to its parents' custody until it becomes legally competent, i.e. until the age of 16, and the parents are obliged to exercise custody until that time. Individual parental duties may continue for longer, however, if the needs of the child so demand.

187. "Custody of a child" refers to the right and obligation of the parents to determine the child's personal circumstances and to discharge other parental duties. This entails, inter alia, the parents seeing to the child's day-to-day needs, deciding what clothes the child wears from day to day, his or her diet, the length of time the child is allowed to stay out of doors, etc. Under the Personal Competence Act, those who exercise custody over a child have the right and duty to be in charge of the child's financial affairs, and in the vast majority of cases this is so. Parents are obliged to ensure, as far as they are able, that their child receives education and vocational training according to his or her talents and interests. However, they are obliged to consult the child before making final arrangements regarding the child's personal affairs, insofar as this is practicable in terms of the child's level of maturity. Various legal provisions take precedence over the right of parents to determine a child's personal circumstances; these include the provision of the Primary Schools Act stating that children are obliged to attend primary school from the age of 6 to 16.

188. The right of children to enter and leave religious denominations has been mentioned above in the discussion of article 14 of the Convention. A legitimate child is regarded as belonging to the same denomination as its

parents, but if the parents do not belong to the same denomination, then the child belongs to the same denomination as the mother. Parents may decide jointly on the entry by their child under the age of 16 into a religious denomination or withdrawal from a denomination. The opinion of a child who has reached the age of 12 must be consulted regarding a decision on registration in a religious denomination.

B. Parental responsibilities (art. 18, paras. 1 and 2)

Paragraph 1

189. Under the Children's Act, parents, jointly and individually, are obliged to support their children. Support of a child is to be arranged with regard to the parents' personal circumstances and the child's needs. The parents' obligations regarding support end when the child reaches the age of 18. A child under the age of legal competence (a minor) has the right to be under the custody of both parents if they are married or cohabiting. If a child's parents are neither married nor cohabiting at the time of the child's birth, the mother exercises sole custody over the child.

190. In the event of a judicial separation or a divorce, or the dissolution of a cohabitation, it must be decided which parent is to exercise custody over the child. If the parents disagree over custody, the dispute is to be resolved by a court. The Ministry of Justice may resolve a dispute over custody if the parties agree on granting the Ministry the power to deliver a ruling. In its ruling, the court or Ministry of Justice states which parent is to exercise custody with regard to the child's best interests, and custody cases must be handled speedily. When resolving a custody dispute, the Ministry of Justice generally seeks the comments of a child welfare committee, and a judge is to seek the comments of a child welfare committee if he considers it necessary.

191. When a child has reached the age of 12, he or she must be given the opportunity of expressing his or her views on a custody dispute, except where it may be considered that this would have a bad effect on the child or where it is of no significance concerning the resolution of the case. Younger children may also be consulted, according to their age and maturity.

192. The new Children's Act which came into force on 1 July 1992 included the innovation that parents are able to agree on custody over their child being vested in both of them, i.e. on joint custody, following separation or divorce or the dissolution of a cohabitation. This authorization was introduced with the basic principle in mind that parents bear a joint responsibility to care for their children and bring them up. In this way, the parental responsibilities of both parents will take a more active form than would otherwise be the case, and experience in Iceland's neighbouring countries where similar provisions have been introduced has shown that the parent with whom the child does not reside most of the time is more ready to accept the decision regarding custody when it is guaranteed that he or she will continue to be involved in legal decisions affecting the child and will have the company of the child more often than would be the case according to the ordinary rules regarding access.

193. The condition for parents being awarded joint custody of a child is that they agree to this arrangement. An agreement on joint custody shall be presented to a magistrate for confirmation, and the magistrate is to give the parents guidance concerning the condition for this arrangement and its legal implications before they sign the agreement.

194. When an agreement is made regarding joint custody of a child, the parents are obliged to determine with which of them the child is to have his or her legal address, and thus where the child is to be normally resident. The parent with whom the child shares a legal address has the legal status of a single parent as regards the receipt of child maintenance payments for the child from the other parent or from the State Social Security Institute, mother's or father's allowance, child benefit and any other payments from the State. The parents may subsequently agree between themselves on the division of such payments, agreement between the parents on all matters concerning custody being the condition for the granting of joint custody. The parent with whom the child shares a legal address also has the legal status of a single parent under the taxation laws. He or she also enjoys all benefits which the state or local authorities offer to single parents. If the child lives temporarily with the parent with whom he or she does not share a legal address, that parent may, however, enjoy these benefits temporarily, for example, the right to have the child placed in day care. Experience gained in Iceland since the Children's Act came into force shows that many parents have availed themselves of the authorization to make agreements on joint custody, and that this has also led to a reduction in the number of disputes over custody following separation or divorce.

195. The following figures show the form that decisions on custody have taken, including the number of agreements on joint custody, in the period since the new Children's Act came into force on 1 July 1992 up until 1 October 1993.

Agreements on joint custody by both parents:	268
Custody awarded to the mother:	
By agreement	1,087
By order of the Ministry of Justice	6
By court order	2
Custody awarded to the father:	
By agreement	76
By order of the Ministry of Justice	2
By court order	1

196. If custody is exercised by only one parent, the child has the right of access to the other parent, and that parent has the right of access to the child. The parent who does not exercise custody is obliged to cultivate access to, and contact with, the child. If the parents do not reach agreement

on the right of access, the magistrate is to resolve disputes and to specify the nature of the right of access. Rulings on the right of access by the magistrate are an innovation, as is the arrangement by which cases are treated on two administrative levels; formerly, decisions were taken solely by the Ministry of Justice. Rulings by a magistrate may be appealed against to the Ministry of Justice.

197. There are no statutory rules on the nature of the right of access between a child and a non-custodial parent. Nevertheless, certain rules have come into being in practice. Thus, it is common (in cases where there is full agreement between the parents on the right of access) for a child to stay with the non-custodial parent from Friday to Sunday every second weekend, for two to four weeks during the summer, one or two days at Christmas, every second New Year and for half of the Easter holidays.

198. As in custody disputes, children over the age of 12 in disputes over access are given the opportunity of expressing their wishes, and younger children may also be consulted according to the circumstances and with regard to their age and maturity. In absolutely exceptional cases, a magistrate is able to rule that a child is not to have the right of access to his or her parent; this applies where particular circumstances render contact between child and parent contrary to the child's best interests and needs. A comparable provision is to be found in the Protection of Children and Young Persons Act regarding the right of access between a child in foster-parentage and his or her natural parents. If, in the opinion of a child welfare committee, particular circumstances render contact between the child and parents contrary to the child's best interests and needs, the committee may rule that the right of access does not apply, or make a ruling amending a previous decision concerning right of access. In such cases, the committee may also forbid all forms of communication between the parents and the child.

199. If, in the event of separation or divorce, agreement is reached between parents regarding the payment of maintenance for children, the magistrate or court dealing with the separation or divorce approves an agreement on this matter. Otherwise, the magistrate makes an order for the payment of maintenance in accordance with the request of one of the parents; the legal minimum rate of maintenance for each child is ISK 123,600 per year. Payment of support or maintenance for a child is to be made each month, in advance, unless other arrangements are specified. A parent who is obliged to make maintenance payments may be ordered to pay a special contribution towards the costs of the baptism, confirmation, illness or burial of the child, or for other special reasons. Maintenance payments belong to the child, and not to the custodial parent.

Paragraph 2

200. Parents, and families with children, are granted support of many types under the Social Security Act, No. 117 of 1993, the Social Assistance Act, No. 118 of 1993, and the Maternity Leave Act, No. 57 of 1987, and tax concessions are granted to families with children under the Income and Property Tax Act, No. 75 of 1981.

201. Parents who engage in paid employment and whose legal address is in Iceland have the right to six months' maternity leave. They are able to divide this maternity leave between them, the woman being able to begin taking leave up to one month before the expected date of birth of the child. Pregnant women, and parents on maternity leave, may not be given notice of termination of employment unless valid reasons apply. If the nature of work poses a hazard to the health of a woman or her unborn child, the employer is obliged to transfer her to another job without this having the effect of lowering her wages.

202. The rules on maternity grants in the Social Security Act apply to payments to parents during maternity leave. Certain special rules apply to civil servants, bank employees and other members of unions whose wages and terms agreements provide for a broader right to payments, i.e. to undiminished wages during maternity leave. Where the Social Security Act applies, maternity grants are paid to mothers who are legally resident in Iceland at the time of the birth and who have been legally resident in Iceland during the 12 months preceding the birth. The maternity grant is currently ISK 25,090 per month. Parents on maternity leave who were legally resident in Iceland at the time of the birth and were legally resident in Iceland during the 12 months preceding the birth have the right to receive not only maternity grants but also per diem maternity allowances providing they cease paid employment during that period. This also applies to students. Members of unions of civil servants, bank employees and certain other trade unions are not covered by these provisions, as they enjoy better terms under their wages and terms agreements and, depending on circumstances, undiminished wages during their maternity leave.

203. Benefits which may be classified as social assistance include mother's and father's allowances, child support in connection with the school studies or vocational training of young persons aged 18-20, and grants made to those who see to the support of disabled and ill children. Mother's and father's allowances are paid to single parents who support their children under the age of 18 and who are legally resident in Iceland. The State Social Security Institute is authorized to pay child support in connection with the school studies or vocational training of young persons aged 18-20 if one or both of their parents are deceased or if either or both of the parents is an old-age pensioner or the recipient of a disability allowance. Annual mother's and father's allowance amounts to:

For one child:	ISK 12,000
For two children:	ISK 60,000
For three children:	ISK 129,600

204. The Treasury pays child benefit in respect of every child under the age of 16 who is permanently resident in Iceland and is supported by persons who are liable to taxation under the Income and Property Tax Act. Child benefit is larger for children under the age of seven, and is always double in respect of each child in the case of single parents.

205. Under the Nursery Schools Act, No. 78 of 1994, and the Local Authorities' Social Services Act, No. 40 of 1991, the legal obligation is placed on the local authorities to see to the building and running of nursery schools and to take the lead in ensuring children the opportunity of spending time in a good nursery school. Other parties are permitted to operate nursery schools after receiving the approval of the appropriate local authorities. Nursery schools are the first level in the school system and are operated for children under the compulsory schooling age. At the request of parents, they undertake the care and education of children of nursery school age under the direction of people with special training in pre-school teaching. Nursery school committees elected by the local authorities administer the nursery schools on behalf of the local authorities. Professional supervision of nursery schools is handled by the Ministry of Education, which must be informed of the establishment of new nursery schools. The local authorities are required to send the Ministry of Education an annual report each year on the functioning of the nursery schools. There are currently about 220 nursery schools in operation in Iceland, of which about 70 are in Reykjavík. Besides running and granting licences for the running of nursery schools, the local authorities are able to grant licences for the day care of children in private houses and the operation of supervised children's playgrounds. In 1993 there were 638 day mothers in private houses in Iceland.

C. Separation from parents (art. 9)

206. As described above in the discussion of article 18, paragraph 1, of the Convention, article 37 of the Children's Act expressly states the general rule that if one parent exercises custody over a child, then the child and the non-custodial parent enjoy a mutual right of access to each other. Article 33 of the Protection of Children and Young Persons Act contains a comparable rule on access as regards a child in a foster home; prior to the entry into force of this Act, the right of access of a child in a foster home to its natural parents was not set out in legislation. A child in a foster home, with or without the consent of the natural parents, has the right of access to them and to other closely associated persons. The natural parents are obliged to cultivate access to and contact with the child, and to comply with the further conditions applying under the decision of the child welfare committee.

207. Exceptions from the general rule on the right of access between parent and child are to be found in both the Children's Act and the Protection of Children and Young Persons Act. On the one hand, the Children's Act states that if, in the opinion of the magistrate, particular circumstances render contact between the child and parents contrary to the child's best interests and needs, he may rule that the right of access does not apply. Such a ruling may be referred to the Ministry of Justice in accordance with the ordinary rules. In 1993, the Ministry of Justice delivered two rulings in appeals to the Ministry against rulings by magistrates, that right of access did not apply. In both cases, the Ministry cancelled the rulings.

208. Article 33 of the Protection of Children and Young Persons Act states that if, in the opinion of a child welfare committee, particular circumstances render contact between the child and parents contrary to the child's best interests and needs, the committee may rule that the right of access does not apply, and prohibit all forms of communication between parent and child. Like

other decisions by a child welfare committee, this may be referred to the Child Welfare Council. No such ruling was delivered by the Reykjavík Child Welfare Committee in 1993. No ruling on the restriction of the right of access was delivered by the Child Welfare Council during 1993, but the Council cancelled one ruling of the Reykjavík Child Welfare Committee on the restriction of the right of access.

209. The same consideration, that the interests of the child may be in jeopardy, lies behind the authorizations in the Children's Act stating that child welfare committees are able to determine that a child shall be removed from its home without the consent of the parents. These have been discussed above in connection with article 16 of the Convention. These authorizations can only be invoked in cases of absolute emergency, if it is evident that the child's health or development may be in danger due to neglect or incompetence or misconduct on the part of the parents. Under such circumstances, article 24 of the Act grants a child welfare committee the right to determine, by means of an order, that the child is to be removed from the home, placed in a foster home or hostel, examined by a doctor or placed in a hospital or other institution in order to ensure its safety or in order to enable the appropriate examination of the child to be made.

210. The decisions described above shall in all cases be temporary, and may not be applied for longer than necessary in any given case. They must be reviewed not less often than at six-monthly intervals. Orders by a child welfare committee may be referred to the Child Welfare Council, which is to deliver a final ruling within six months of the lodging of an appeal to the Council. During 1993, the Reykjavík Child Welfare Committee delivered 10 rulings on the basis of this provision. In no case was it necessary to use force to implement the rulings. During 1993, the Child Welfare Council delivered one ruling under article 24 of the Act.

211. Under article 25 of the Protection of Children and Young Persons Act, child welfare committees are authorized to deprive one or both parents of custody by means of an order if:

(a) There is something seriously deficient in the upbringing and day-to-day care of the child, and the parents' contact and communication with it, in terms of its age and stage of development;

(b) The child is ill or disabled and the parents have not secured for it the appropriate treatment, training or teaching;

(c) The child is abused, sexually maltreated or is forced to suffer serious mental or physical harassment or degradation in the home;

(d) It may be considered certain that there may be a threat to the child's physical or mental health or development because the parents are evidently incapable of exercising custody over the child, for example, because of their drug abuse, serious mental disorder or substantial mental deficiency, or the parents' conduct is likely to cause the child serious damage.

212. An order depriving parents of custody may only be delivered if it is not possible to apply other remedies, such as supportive measures or the temporary

measures listed in article 24 of the Act, or if these have been tried without success. An order on the basis of item (d) above may be delivered under special circumstances before a newborn child is transferred to the custody of its parents. In such circumstances, stringent requirements are made regarding the reasoning for such a conclusion. That the child welfare committee is expected to demonstrate that without question the child will be in danger and that the parents are evidently incompetent, and a special burden of proof is laid on the child welfare committee if this remedy is to be applied. During 1993, the Reykjavík Child Welfare Committee delivered five rulings depriving parents of custody. During the same year, the Child Welfare Council delivered nine rulings to the same effect, and cancelled one ruling by the Reykjavík Child Welfare Committee depriving parents of custody.

213. Iceland's reservation regarding article 9, paragraph 1, remains unchanged. For a general discussion of the power of Icelandic courts to make rulings, reference is made to section I.B above. In connection with Iceland's aforementioned reservation on this matter, it should be pointed out that the Protection of Children and Young Persons Act states that the decisions of the Child Welfare Council are final. These decisions are, however, subject to review by the courts to the extent that it is a general principle that the courts are able to invalidate a decision by a government authority if they come to the conclusion that it is based on an unlawful point of view or if there are procedural flaws in the handling of the case. This power of the courts is based on article 60 of the Constitution, which states that judges are to resolve all disputes concerning the spheres of duty of the authorities. In practice during the last few years, however, the courts have gone further and further in assessing the content of decisions by government authorities, for example, whether the conditions for the restriction of right of access are fulfilled, and there have been no examples in recent years of the courts expressly stating that they have not considered themselves competent to review the content of decisions by the authorities. There is a prevalent tendency in Icelandic legislation to reduce the number of statutory provisions referring to the power of the authorities to make final rulings. An example of this can be found in the Children's Act. Previously, parents did not have access to the courts in order to have a custody order amended if the Ministry of Justice had already made a ruling on custody. Under the new Children's Act, the choice is always open between referring a dispute over custody to the courts or to the Ministry of Justice, and in fact it is made into a general rule that disputes over custody are to be resolved by the courts.

214. Under article 13 of the Adoption Act, No. 15 of 1978, parents are permitted to refer to the courts rulings by the Ministry of Justice on the granting of adoption licences which have been granted without approval being obtained for them.

215. The discussion above of article 12 of the Convention, on respect for the child's point of view, describes the main rules concerning how children are to be given the opportunity to express their views and participate in the handling of cases by the authorities when these cases concern the children themselves; this is in accordance with article 9, paragraph 2, of the Convention. To this can be added the fact that article 34 of the Protection of Children and Young Persons Act states that the child welfare committee shall, according to the circumstances, explain to the child, as far as is

appropriate in terms of the child's age and maturity, why he or she has been placed in foster care. In the same way, it is to be explained to the child what plans the child welfare committee has concerning him or her. Article 46 of the same Act states that before a child welfare committee delivers a ruling in a child welfare case, it is to be explained to the parents or other guardians of a child or young person what legal position they have under the Act. They are also to be given the opportunity to express their views on the case, orally or in writing, to the child welfare committee, with the aid of lawyers if they wish. According to the circumstances, the child welfare committee is obliged to provide parents with financial assistance to pay for legal assistance. In addition, the committee shall, at sufficient notice, provide the parties to a case with all the written evidence on which the resolution of the case is based. However, the committee is able to rule, stating its reasons, that particular pieces of evidence shall not be made available if this would damage the interests of the child or if an undertaking of confidentiality has been given. In the same way, the committee may decide that the parties shall be allowed to examine the evidence without its being delivered to them.

216. As regards procedure in the handling of cases covered by the Children's Act, detailed rules have been set on the participation by parties to a case in the handling by a magistrate and the Ministry of Justice. These are stated in the Regulations on the Handling of Cases by the Executive under the Children's Act, No. 231 of 1992.

217. Finally, it should be stated that in the event of a case at the administrative level which involves children and in which there is no special legislative provision on this right, the Administrative Procedure Act, No. 37 of 1993, applies as regards procedure. This includes clear rules on the right of the parties to state their objections, and on their right to information, and these rules must be observed in the processing of the case at the administrative level.

218. Icelandic legislation contains no provision comparable to article 9, paragraph 4, of the Convention, i.e. regarding the obligation of the authorities to reveal the whereabouts of a parent or child in the event of separation. Consequently, no limitations are to be found regarding the right to information if a request of this type is presented. There is therefore no reason to assume that the authorities would refuse to give persons information of this type, though with the reservation, as stated in the provision, that to provide such information will not damage the interests of the child involved.

D. Family reunification (art. 10)

219. There are no provisions in Icelandic legislation stating specifically when foreign nationals may enter Iceland, whether for the purpose of family reunification or for other purposes.

220. The principal legislation concerning entry into Iceland by foreign nationals is the Foreign Nationals Supervision Act, No. 45 of 1965, which includes a list of the circumstances under which a foreign national may be refused entry into the country. A commissioner of police shall deliver a ruling concerning the refusal of entry as soon as possible after the foreign

national's arrival. However, this shall not apply if the foreign national maintains that he has been forced to seek asylum as a political refugee, providing his statement is considered credible. In such cases, the police may not refuse him entry, but shall refer the matter without delay to a special body, the Immigration Service, for a ruling. The same applies if it seems likely that he has come to Iceland for employment or activities which are unlawful, improper or pose a danger to the national or public interest, or if the foreign national's personal circumstances are such as may be considered dangerous or deleterious to the national or the public interest. Act No. 133 of 1993, amending the Foreign Nationals Supervision Act, included an augmentation of the right of foreign nationals who are ordered to leave the country, and of political refugees who are refused entry, to appeal against these decisions; previously there was no authorization for appeals. The Immigration Service now takes decisions regarding the deportation of foreign nationals from Iceland, but appeals against such decisions may be made to the Minister of Justice, and the foreign national is to be given guidance regarding his right of appeal when he is informed of the decision to deport him.

221. All persons have the right to leave the country if the conditions stated in the rules regarding passports are met. The rules on the issue of passports are to be found in the Icelandic Passports Act, No. 18 of 1953. Under this Act, Icelandic citizens shall carry passports when they leave and enter the country. However, children under the age of 15 may leave and enter the country without carrying their own passports providing that they are accompanied by a parent, foster-parent or other close relative and their names are registered in the passport of the person concerned.

222. The Icelandic Passports Act lists the grounds on which the issue of a passport may be refused. These all relate to the person concerned being connected with a case in criminal law or cases in which his departure would contravene legal provisions intended to ensure his presence until he has discharged general obligations which he has undertaken towards the State or individuals. In the light of minimum age requirements, these conditions cannot apply to children under the age of 15. In practice, it is practically unknown for people to be denied a passport on these grounds, while in the few cases that have arisen in recent years, the reason has been that a travel ban has been imposed on the person concerned in connection with the investigation of criminal cases.

E. Recovery of child maintenance (art. 27, para. 4)

223. The discussion above of article 18, paragraph 1, of the Convention included a general account of the rules covering child maintenance. The rules on the determination of child maintenance are contained in section III of the Children's Act.

224. Child support is termed child maintenance when it takes the form of the payment of a specified sum which is either agreed on or determined by a maintenance order. The term "child maintenance" is used in particular to refer to the support payments which a parent (most often the father) of an illegitimate child is ordered to make for the child, but it is also used to refer to child support payments made following separation or divorce. If

agreement is not reached between the parents regarding payments, the magistrate makes a child maintenance order. At no time may a child maintenance order be made for a maintenance sum lower than the child support allowance determined at any given time under the Social Security Act; nor may the obligation of a parent who is obliged to pay maintenance be restricted to an upper age of the child of less than 18 years. The obligation to pay child maintenance generally ceases when the child reaches the age of 18, but a contribution towards the child's education or vocational training up to the age of 20 years may be required. Finally, the party who is obliged to pay child maintenance may be ordered to pay a special contribution towards the costs of the baptism, confirmation, illness or burial of the child, or for other special reasons. Maintenance payments belong to the child, and the parents are therefore unable to waive this right on behalf of the child.

225. The Social Security Act, No. 117 of 1993, states that a parent who is awarded payments of maintenance or a special contribution for the education or vocational training of his or her children is able to apply to the State Social Security Institute and receive the payments directly from it and does not have to demand payment from the party who is obliged to make these payments or apply for the collection of child maintenance payments if there is a delay or default in the making of maintenance payments. Immediately after a magistrate has received a request from a mother that an admission of paternity be obtained from the alleged father of a child, she is able to obtain maintenance payments for the child from the State Social Security Institute. A parent may also receive the following payments from the State Social Security Institute under an official order or an approved agreement as provided for in articles 21 and 22 of the Children's Act:

Special support for the father of a child due to his wife's confinement;

A grant to cover nursing care and support in the event of illness in connection with childbirth; and

Expenses in connection with pregnancy and childbirth.

226. A special body, the Local Authorities' Alimony Collection Centre, was established by Act No. 54 of 1971. It is owned by all the local authorities in the country, but is based in Reykjavík. The role of the Local Authorities' Alimony Collection Centre is to recover from parents who are obliged to pay child maintenance the child maintenance payments which have been made by the State Social Security Institute to the guardians of their children. The collection centre makes over the money it collects each month to the State Social Security Institute, to be put towards maintenance payments. Even if child maintenance payments are not recovered in full, the child for whom maintenance payments are to be made does not suffer as a result. Any deficit in the amount recovered by the State Social Security Institute as compared with the full amount of maintenance payments made is to be paid by the Local Authorities' Alimony Collection Centre within two months of maintenance being paid, from a special fund, the Local Authorities' Equalization Fund.

227. If a claim is submitted for maintenance for a child and it is foreseeable that resolution of the matter will be delayed because the parent against whom the claim is made is resident abroad or particular difficulties pertain to

making contact with that parent, the magistrate is able to deliver a temporary maintenance order for the child against the State Social Security Institute. The Treasury repays these sums, which are collected by the Local Authorities' Alimony Collection Centre from the parent who is obliged to pay maintenance according to the magistrate's order.

228. There is one international agreement in force in Iceland regarding the collection of child maintenance. This is the Agreement on the Collection of Maintenance between Iceland, Denmark, Finland, Norway and Sweden. The provisions of the agreement were incorporated in Icelandic law by Act No. 93 of 1962. Under the agreement, an enforceable judgement, order, ruling by an administrative officer or written agreement which obliges a person in any of the States in question to pay maintenance for his or her spouse, former spouse, legitimate child, stepchild, adopted child, illegitimate child or the mother of an illegitimate child, must be enforced, and enforcement may be effected in that State if this is requested. Enforcement is carried out in each State under the current local legislation, and without costs for the holder of the claim.

F. Children deprived of their family environment (art. 20)

229. The conditions according to which a child welfare committee is able to make an order depriving either or both parents of custody over a child were described above in the discussion of articles 7 and 9 of the Convention. Under such circumstances, custody of the child is transferred temporarily to the child welfare committee, which is obliged to take measures to have the holder of supreme authority, i.e. the magistrate in the relevant area, appoint a legal guardian for the child under the rules of the Legal Competence Act.

230. When a child welfare committee takes measures regarding a child and places the child temporarily outside the home in a hostel or foster home, or assumes custody of the child, it is obliged to ensure the child good care without delay. For this purpose, it is required to draw up a written plan, including whether and how the child is to return to its parents or whether it is to be placed in permanent fosterage. Special emphasis is placed on finding common solutions for siblings, in accordance with their needs.

231. Provisions on the fosterage of children are grouped together in section VI of the Protection of Children and Young Persons Act. These rules are in many ways clearer than those of the older act. For the purpose of the Act, "fosterage" refers to cases in which a child welfare committee entrusts special foster-parents with the custody or care of a child when:

The natural parents give their consent;

No one exercises custody over the child; or

The natural parents have been deprived of custody or the child is temporarily under the custody of the child welfare committee.

232. The new Protection of Children and Young Persons Act states clearly for the first time the difference between temporary fosterage and permanent

fosterage, there having developed a strong tradition of the use of these two types of fosterage arrangement by the child welfare committees under the application of the old act.

233. When a child goes into temporary fosterage, it is usually with the parents' consent. The fosterage period may last from a few weeks to a few years. However, the aim is always that the child retain substantial contact with his or her original family.

234. "Permanent fosterage" means fosterage which continues until the obligations regarding custody expire when the child reaches the age of 16, the aim being to provide stability in the child's life which the parents are not able to provide by themselves. Normally, no agreement is made on permanent fosterage until after a trial period, which may not be shorter than one year.

235. The child welfare committee must select foster-parents carefully, taking into account their personal circumstances, capability and experience as successful rearers of children. In addition, foster-parents are to be selected with regard to the interests and needs of the child concerned. The child welfare committee assists the foster-parents and prepares them before the fosterage period begins and gives them support and directions as necessary during the fosterage period. A representative of the child welfare committee must visit the foster-home not less often than once each year.

236. In the larger local government areas in Iceland where there are special social affairs committees in operation as provided for in the Local Authorities' Social Services Act, No. 40 of 1991, fosterage arrangements of various types constitute a large part of the work of the child welfare committees. The Reykjavík Child Welfare Committee placed 201 children in permanent fosterage during the years 1971-1987, 63 of them after their parents were deprived of custody. Nearly half of the children went into fosterage before the age of three, and nearly three quarters before the age of six.

237. At the beginning of 1994 there were 130 children under the age of 16 in permanent fosterage organized by the City of Reykjavík, with 106 families. The Ministry of Social Affairs keeps a register of the children in permanent fosterage.

238. So-called "support families" accept children into their homes for short periods, for example, one weekend each month. The aim is twofold: on the one hand it gives a period of relief to the parents, who are often single parents without the support of relatives or others in raising their children, and on the other hand it provides variety for the children and adds to their knowledge and experience, inter alia by letting them meet people who are prepared to meet their needs. In 1992, 24 children registered with the Reykjavík Child Welfare Committee had contact with 18 support families.

239. The social affairs committees may arrange for a "supervisor" to undertake a specific supportive role for a child, young person or parents under the direction and guidance of a social worker. People with specialist training in child and adolescent psychology are often chosen for this position, but this is not a prerequisite. The role of the supervisor is principally to help the parents to discharge their custodial and parental duties in the way that best

meets the needs of the child or young person. In 1992, 86 children and young persons were receiving assistance from supervisors of this type organized by the Reykjavík Social Welfare Committee. The Regulations, No. 452 of 1993, on Supervisors, Personal Counsellors and Support Families, which were issued under the Protection of Children and Young Persons Act, contain further rules on these forms of support provided by the child welfare authorities.

240. Section IX of the Protection of Children and Young Persons Act deals with homes operated for children and young persons, licences for their operation and inspection and supervision. This section of the Act contains all the provisions on hostels and therapy centres of all types for children and young persons, assistance centres or emergency refuges for young people, summer holiday homes, summer camps or other homes which accept children and young persons for upbringing, care or attention, whether for short or long periods. The Ministry of Social Affairs bears an obligation to take measures to establish the institutions or homes necessary to enable the child welfare committees to carry out their work.

241. Under the Protection of Children and Young Persons Act, the prevalent policy is that while it is necessary to provide access to institutions which can accept children for placement for short or long periods, attempts should be made to apply a variety of supportive remedies in order to avoid placing children in institutions. If placement in an institution proves necessary, attempts are made to keep it as short as possible and to avoid the need for repeated placement. Increasing emphasis is placed on the involvement of the parents in the care of the child during the placement. This applies particularly in the case of very young children. During the last two or three decades, there has been a substantial reduction in the number of places available for children in the institutions run by the child welfare authorities. The City of Reykjavík is the only local authority which provides a home for children under the age of 12. Before 1970 there were places for more than 100 children under the age of 12 in homes run by the City of Reykjavík; at the beginning of the present decade there were fewer than 20. This reduction was made possible due to many other measures being taken, in particular the use of foster homes, the building up of the support system for parents and children, including the expansion of the Social Welfare Department, the schools' psychological departments and specialized teaching services and the establishment of a children's psychiatric hospital ward and therapy centre in connection with the schools' psychological departments; the therapy centre is now run by the psychiatric ward of the Reykjavík City Hospital.

242. The State Institution for Maladjusted Youth is a State-run institution. In it, the State is obliged to assist young persons in the 12-15 age range for long or short periods if this should prove necessary as a result of behavioural problems, a serious lack of normal facilities, care or upbringing of the young persons provided by their guardians, or because of a major disruption in their personal circumstances. The rules governing the functions of the State Institution for Maladjusted Youth were laid down in the Regulation No. 15 of 1993, which were issued under the Protection of Children and Young Persons Act. The functions of the State Institution for Maladjusted Youth have expanded considerably since its foundation in 1972. It now operates three departments in addition to an open counselling service for

young persons. Psychologists and social workers are employed in the open counselling service for young persons, and in addition to them, a counsellor is employed in therapy in the other departments.

243. The first of the departments within the State Institution for Maladjusted Youth to be considered here is the reception department, in which young persons can be accepted for emergency placement on a temporary basis without prior notice at the orders of the police or child welfare committees. The department also offers reception facilities for examination or therapy; young persons stay for periods of four to six weeks, on average, for these purposes. Not more than four young persons can be housed at any one time for examination, and two for emergency purposes. In 1992, the number of placement days in the department came to 1,267; of this figure, 1,024, or 81 per cent, were accounted for by young persons who were placed in the department for examination. On average, there were 3.36 young persons in the department every day during 1992. Their average age was 14.9 years. The State Institution for Maladjusted Youth operates two therapy departments for longer placement periods, where the young persons are able to stay for 6-12 months or even longer if necessary. The young persons who are placed there normally have multiple problems, generally involving difficult home circumstances, emotional problems, communicative difficulties and problems in school. In many cases, the institution houses young persons with social problems who are considered capable of attending ordinary schools or employment with the assistance they receive in the institution. There are places for 12 young persons in these departments.

244. Following a decision by the Government in autumn 1989, a special department was opened by the State Institution for Maladjusted Youth for young drug users. Young persons are admitted for periods of two to three months because of drug-abuse problems. The therapy is based on the philosophy of the AA movement, with the emphasis on collaboration with the families. After therapy in the department, which can house 12 young persons at any time, they can receive follow-up treatment provided in conjunction with the Young Persons' Counselling Service. There were 62 admissions (42 boys and 20 girls) for therapy for drug abuse in 1992; these involved 51 individuals (35 boys and 16 girls). The average number of inmates every day was 6.25, and the average length of stay of each individual was 37 days. The average age was 15.5 years.

245. At the time that this report is being written, many changes and innovations are being contemplated in the therapeutic services provided by the State for children and young persons. These changes involve the abolition of the State Institution for Maladjusted Youth in its present form. It will be replaced by two institutions, the Child and Youth Administration Centre and the National Youth Reception Centre. The role of the Child and Youth Administration Centre will be to supervise the administration of projects in the field of child and youth affairs which are handled by the Ministry of Social Affairs. The Centre will be responsible for coordinating such projects and controlling the finances, and will be in charge of professional counselling and assistance to the therapy centres and child welfare committee. The role of the National Youth Reception Centre will include the diagnosis and treatment of young persons with psychiatric and social problems in accordance with article 51, paragraph 3, of the Protection of Children and

Young Persons Act. Various changes are envisaged in the division of responsibilities between the state and the local authorities, including, for example, the transfer of counselling services for the public to the local authorities and the abolition of the young person's counselling services in their present form as provided by the State Institution for Maladjusted Youth. It is also planned that young persons' communal dwellings should be administered by the local authorities. The State's activities will no longer be restricted to the 13 to 15-year age groups, but will be based on the age range to which child welfare administration applies.

246. An emergency refuge for children and young persons has been run in Reykjavík by the Icelandic Red Cross since 1985. The main aim is to meet the needs of children and young persons who are in serious difficulty. With a refuge open to them 24 hours a day every day of the year, they have the opportunity of seeking assistance. The refuge is intended for all under the age of 18. The refuge provides sleeping accommodation, food, care, support and counselling, all without charge. There were 100 admissions during 1992, involving 67 young persons. The average length of stay of each was 8.2 nights, and the average age of the guests was about 16 years. The most frequent reasons for seeking refuge were communication difficulties with parents or other guardians, drug abuse and homelessness.

G. Adoption (art. 21)

247. There is no reason to suspect that Icelandic legislation does not accord with this provision of the Convention. Detailed rules covering adoption are set out in the Adoption Act, No. 15 of 1978.

248. The Minister of Justice grants adoption licences. Adoption licences may not be granted unless it is considered demonstrated, following an investigation of the personal circumstances of the prospective adopted child, and of those who propose to adopt the child, that adoption will be of advantage to the child, it being the intention of the adopters to bring the child up, or if the child has been brought up by them, or if there are other special reasons in favour of adoption.

249. Adoption licences may only be granted to persons aged 25 or older; they may, however, be granted to persons aged 20 or older under special circumstances. Only married couples are permitted to adopt children jointly, and the general rule is that both spouses shall enter into the adoption, except in cases where one spouse adopts the child of the other.

250. The child's consent for adoption must be sought if the child has reached the age of 12 years. This consent shall be given in writing, and the child must be given guidance concerning the legal implications of adoption. If the child is under the age of 18, the child's natural parents must give their consent for the adoption. Exemption from this condition is granted in cases where one of the parents does not have custody over the child, or has disappeared, is mentally ill or mentally deficient, or his or her mental state is in other respects such that he or she is unable to make a meaningful declaration, in which case the consent of the other parent shall be sufficient. If these circumstances apply to both parents, the consent of the legal guardian shall be required. The Act contains detailed rules on how this

consent is to be given, and also rules governing the withdrawal of consent. Before an adoption licence is granted, it shall be established whether a fee has been paid, or whether there is an intention on the part of either party to pay such a fee in connection with the adoption, and if so, the amount involved. Written declarations may be demanded from the parties concerning this matter. If such a fee is paid to the adopters, adoption may be made subject to the condition that the payment is directed to the adopted child or to the support of the child.

251. In the event of an adoption licence being granted without the requisite consent having been given, the granting of the licence may be presented to a court for annulment, and the plaintiff shall receive legal aid from the State for this action. There have been no instances of court actions of this type since the Adoption Act came into force.

252. The Minister of Justice may terminate an adoption if the adoptive parent and the adopted child agree to request this. If one of the parties has been deprived of personal competence, the permission of his or her legal guardian shall also be required. If the adopted child is not legally competent, then the adoptive parents and the natural parents must be in agreement, and termination of the adoption must be considered to be in the child's best interests. If the adopted child is aged 12 or older, his or her written permission is also required after the legal implications of adoption have been explained to the child. If the adoptive parents are deceased, the Minister of Justice may terminate the adoption at the request of the natural parents and with the consent of the child if he or she has reached the age of 12. Requests for the termination of adoption are relatively rare.

253. Statistics on the number of adoption licences issued by the Ministry of Justice over the past decade are as follows:

Adoptions in Iceland, 1983-1993

	Total	Foreign children	Stepchildren
1983	89	30	43
1984	39	5	25
1985	90	44	33
1986	87	49	30
1987	37	10	14
1988	37	7	16
1989	53	22	26
1990	28	11	13
1991	26	7	16
1992	42	4	27
1993	35	10	21

254. As can be seen from these figures, a large number of children were adopted during the 1980s, but the numbers have fallen slightly in recent years. The vast majority of Icelandic children in these figures were adopted by their step-parents. The proportion of foreign children was very high in the years 1983-1986; in 1985 and 1986 most of these were from Sri Lanka, while

in the last few years most of the foreign children adopted have been from India: five in 1991, three in 1992 and five in 1993. The Ministry of Justice has collaborated with a special Swedish state agency on international adoptions (NIA). This agency monitors authorized agencies abroad through Sweden's consuls and embassy staff, and also maintains contact with children's homes abroad which provide children for adoption. The Ministry of Justice has also collaborated with a Norwegian state adoption agency on international adoptions. As far as is known, no Icelandic child has been adopted in any other country in recent years.

255. Together with Denmark, Finland, Norway and Sweden, Iceland is a party to the Nordic Convention concerning Certain Provisions on Private International Law regarding Marriage, Adoption and Guardianship, of 6 February 1931, which is valid in Icelandic law. Iceland has not ratified the European Convention of 24 March 1967 on the Adoption of Children. The ratification by Iceland of the Hague Convention of 29 May 1993 on the Protection of Children and Co-operation in Respect of Intercountry Adoption is under preparation.

H. Illicit transfer and non-return of children abroad (art. 11)

256. There is no general legal provision in Icelandic legislation on measures to combat the illicit transfer and non-return of children abroad. Naturally, however, efforts are made to combat such transfer; the most common cases that arise in this connection involved the non-custodial parent of a child attempting to take the child out of the country without the consent of the other parent or other legal guardian.

257. Article 39 of the Children's Act states that if the question of custody has not been finalized, a court or the Ministry of Justice, according to where the case is being considered, may, at the request of either parent, issue a temporary order that the child may not be taken out of the country. The court or Ministry of Justice resolves the matter by means of an order. An appeal against the court order may be submitted to the Supreme Court, but the lodging of an appeal does not defer the legal effect of the order. Article 40 of the same Act states that when one of the parents has the right of access to the child, the other parent may not leave the country with the child unless the parent with right of access is given the opportunity of expressing his or her views on the matter, including the opportunity of referring the matter to the magistrate.

258. It is relatively rare that the authorities have to intervene to prevent a child from being taken out of the country. A case occurred in 1993, when the authorities stopped a foreign father and his assistant who intended to abduct two children of an Icelandic mother resident in Iceland. The men received prison sentences, which they served in Iceland.

259. Article 24 of the Protection of Children and Young Persons Act states that if a child welfare committee considers it evident that the health or development of a child may be in danger owing to neglect, incompetence or misconduct on the part of the parents, the committee may issue an order stating that the child may not be taken out of the country. There was no comparable provision in the older Protection of Children and Young Persons Act.

260. Iceland has not ratified the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction or the European Convention of 20 May 1989 on Recognition and Enforcement of Decisions Concerning Custody of Children, but work on the ratification of both is under way.

I. Abuse and neglect of children (art. 19). Physical and psychological recovery and social reintegration of child victims (art.39)

261. One of the fundamental aims of the Protection of Children and Young Persons Act is to protect children against the threats listed in article 19, paragraph 1, of the Convention. The same aim is expressed in many parts of the Children's Act and those provisions of the Penal Code which grant children special protection.

262. A general description has been given above of the authorization granted to the child welfare authorities to enter private homes without the consent of the parents or guardians when there is a reason to believe that the health or development of a child may be in danger owing to neglect, incompetence or misconduct on the part of the parents; obviously this applies in cases where the child suffers physical or mental violence, injury, abuse, neglect or other forms of maltreatment listed in this article of the Convention.

263. The principal authorizations in this area are set out in article 24 of the Protection of Children and Young Persons Act, which provides for the temporary removal of a child from the home without the consent of the parents, and article 25, which grants authorization to deprive the parents of custody. Both these provisions are discussed in greater detail above in the sections dealing with articles 9 and 16 of the Convention. The basic rule of the Protection of Children and Young Persons Act is that a child welfare committee, or its employees, may only enter a private home, children's home or other place where children reside in order to investigate the personal circumstances of a child if the child's parent or guardian has given permission, or on the basis of a court order. The judge assesses when it is necessary to enter a home. Article 47 of the Act contains an authorization to take emergency measures. If it is necessary to take measures quickly and these measures are under the purview of a child welfare committee, the committee chairman, or an employee acting on his behalf, may take the measures, but is required to refer the matter to the child welfare committee for approval without delay, and not more than one week afterwards.

264. Each child welfare committee is required to maintain a special register of the children and young persons in its area whom it considers are in jeopardy because it has been revealed that they have an inadequate environment or are not receiving proper care or upbringing owing to neglect, incompetence or misconduct on the part of the parents, or if the child is endangering his or her own health or development by his or her own conduct, for example by committing offences or abusing drugs. The aim of these registers is to ensure a comprehensive view of the situation and conformity in the handling of cases. If there is a change in the circumstances, with the result that the committee no longer considers a child to be at risk, the child's name is removed from the register.

265. If a child or young person is endangering his or her own health or development by his or her own conduct, for example by consuming alcohol or other intoxicants, committing offences or other equally destructive behaviour, the child welfare committee is to provide special assistance in the form of interviews, counselling, placement in a centre for maladjusted youth or other available supportive measures. Under these circumstances, the child welfare committee may, in consultation with the parents, place a child for temporary treatment and examination for up to four weeks at a time in an appropriate institution. If such a placement is against the will of a child who has reached the age of 12, the child is to be given the opportunity of presenting his or her views to the committee, possibly with the assistance of a special spokesman. A child under the age of 12 may be given the opportunity of expressing his or her views in the same way if he or she requests this.

266. If a child or young person is the victim of harassment, violence or other offences, the child welfare committee shall assist him or her with counselling or therapy, as appropriate. If a case concerning a child is being handled by the police or the courts and it involves offences committed by the child or young person or offences committed against them, the child welfare committee shall be informed and shall have the right to follow the investigation of the case. The committee may appoint a special spokesman for the child.

267. On the provisions of the Penal Code, and individual rules regarding sexual offences against children, reference is made to the discussion in paragraph 79 (in sect. III) above, and to the discussion of article 34 of the Convention below. A special working group works for the family division of the Reykjavík Department of Social Affairs handling sexual offences against children and young persons. Since 1991, the Reykjavík Child Welfare Committee and the State Criminal Investigation Police have worked closely together on the handling of sexual offences involving children.

268. A special psychological service is run for all primary schools in the country by the department of education in accordance with the Primary Schools Act. At the request of parents, teachers and the school health workers, it undertakes examinations of pupils who have psychological, emotional or social problems, or other related problems. The psychological service gives guidance to parents and school staff on the upbringing and education of these pupils, makes diagnoses in cases where this is necessary, or refers pupils for appropriate treatment. The Regulations No. 21 of 1980 on the Primary Schools' Counselling and Psychological Service, contain further rules on the service, which is available to all primary school children.

269. All nursery schools have the right to specialized counselling and psychological services organized in connection with the counselling and psychological services provided for in the Primary Schools Act.

J. Periodic review (art. 25)

270. The Protection of Children and Young Persons Act contains provisions on the monitoring of fosterage in which children are placed, whether with the natural parents' consent or after they have been deprived of custody. A permanent fosterage agreement may not be made until a trial period has elapsed; such a trial period may not be shorter than one year. During

fosterage, a representative of the child welfare committee must visit the foster home not less often than once each year. Furthermore, the child welfare committee provides the foster parents support and advice as necessary during the fosterage period.

271. As is described above in the discussion of article 22 of the Protection of Children and Young Persons Act, the child welfare committee may, in collaboration with the parents and if other remedies are not effective, place a child or young person for up to four weeks at a time in an appropriate institution for temporary treatment and examination if he or she is endangering his or her own health or development by his or her own conduct, for example by consuming alcohol or other intoxicants, committing offences or other equally destructive behaviour. Thus, a child may not be kept in placement for periods longer than four weeks by an order of the child welfare committee.

272. When a young person reaches the age of 16, he or she acquires personal legal competence, and no provision exists for the child welfare authorities to employ coercive measures against the person because of his or her own behaviour. At this point, the provisions of the Legal Competence Act on the deprival of competence apply as regards compulsory placement; these provisions may be broadly described as follows in this context.

273. Article 13 of the Legal Competence Act, No. 68 of 1984, states that a legally competent person may not be hospitalized against his will. At the same time, an exemption to this rule is made, stating that an individual's freedom may be restricted if he is suffering from a serious mental disorder or the over-consumption of alcohol, addictive drugs or intoxicants.

274. The maximum length of time that such a restriction of freedom may last is two days unless the Ministry of Justice gives its approval for restriction for a longer period and hospitalization is unavoidable in the opinion of a doctor. The Personal Competence Act contains an exhaustive list of those who are able to present a request to the Ministry of Justice for the hospitalization of a person; they consist of the person's closest relatives, a legal guardian and the social welfare department or a corresponding representative of the local authority in the place where the individual is resident.

275. Further rules on the handling of cases by the Ministry of Justice are to be found in the Legal Competence Act. The Ministry must attend to the case immediately and decide without undue delay whether or not hospitalization is to be allowed, after obtaining the necessary evidence. It may seek the opinion of a doctor employed by the Ministry.

276. Compulsory hospitalization by order of the Ministry of Justice may not last longer than necessary, and in no case longer than 15 days unless a request has been submitted to a court for the person concerned to be deprived of personal competence (cf. art. 19 of the Legal Competence Act). A decision by the Ministry concerning compulsory hospitalization may be referred to the courts; the doctor employed by the Ministry must inform the person who is hospitalized of his right to do this. Special rules apply concerning the rapid handling of such cases by the courts.

277. As regards the handling of these cases, it should be stated that in practically all cases, the Ministry of Justice takes a decision regarding compulsory hospitalization on the same day that it receives the request, and the opinion of the doctor employed by the Ministry is sought in cases of particular doubt. In some cases, the request is presented to the Ministry when the two-day period during which a person may be held in a hospital against his will is about to expire, but this is not always the case. There are few examples of the Ministry's decisions on compulsory hospitalization having been referred to the courts, and in no case has such a decision been annulled.

VII. HEALTH CARE

A. Survival and development (art. 6, para. 2)

278. The general discussion above on article 6 mentioned how every effort is made to ensure that children survive and develop. Monitoring of growth and development begins during the prenatal period. There are regular checks of the health of expectant mothers. Prenatal checks are carried out at least once a month during pregnancy by midwives and obstetricians in the out-patient departments and maternity departments of clinics all over the country. There is a regular programme of checks on the health and development of infants: amongst other things, they undergo a programme of immunization against the common children's diseases, beginning at the age of a few weeks. Schoolchildren in the primary schools go for regular medical checks and are vaccinated, and the heads of schools are obliged to ensure that they avail themselves of the medical services offered in the schools.

279. All women who give birth have the right to maternity leave, which is normally six months from the date of birth. The rules applying to maternity leave and payments during maternity leave are described in paragraphs 201 and 202 above, in the discussion of article 18, paragraph 2, of the Convention; reference is made to that discussion.

280. The Health Services Act, No. 97 of 1990, is based on the views expressed in article 6 of the Convention. The Act states that all citizens shall have access to the most sophisticated health services which it is possible to provide at any given time for the protection of their mental, physical and social health. Patients pay only a small part of the cost of doctors' services, and medicines, while hospital services are free of charge. The health service includes all types of health clinics, hygiene inspection, medical tests, medical attention and nursing in hospitals, medical rehabilitation, dentistry and ambulance services. A further description of the health system, including children's health inspections, is to be found below in the general discussion of health care in connection with article 24 of the Convention.

B. Disabled children (art. 23)

281. Over the last 10 years there has been a great expansion in activities by the State in the service of the disabled, reflected by a 181 per cent increase in expenditure in real terms. This expansion has been accompanied by a greater variety in services and forms of residence. Recent years have seen an

emphasis on broadening the access of the disabled to ordinary social services, this being expressed partly in an increase in the number of socially assisted flats owned by disabled persons or their associations, increased supportive services and a campaign to give disabled children greater access to nursery schools and primary schools, particularly in urban areas.

282. Attempts are made in Icelandic legislation to meet the needs of disabled children, no less than those of disabled adults. Emphasis has been placed on parents being enabled to bring disabled children up in their own homes, and attempts have been made to reduce the numbers of disabled children who are placed in institutions. The families of disabled children are given various forms of social assistance by the State in order to meet the aims stated in article 23 of the Convention. The Disabled Persons Act, No. 59 of 1992, addresses ways of achieving the aim of ensuring disabled persons equality and living standards comparable with those of other citizens, and creating conditions for them to live normal lives.

283. Section IX of the Act deals specifically with children and the families of disabled persons. Initially, it addresses the measures to be taken if there is a suspicion at the birth of a child that the child may be disabled. If such signs are noticed, steps are to be taken towards making a preliminary diagnosis. If this reveals a need for a further diagnosis or remedial treatment, this is to be reported to the State Diagnostic and Counselling Centre or to other appropriate parties, which then seek suitable solutions in collaboration with the parents. The same applies if the staff of the health service, schools or social services become aware that a child exhibits the characteristics of disability.

284. The State Diagnostic and Counselling Centre operates under the Disabled Persons Act. Its main functions are as follows:

The examination, study and diagnosis of disabled individuals who are referred to the centre or who apply to it on their own initiative;

The design, testing and assessment of appropriate treatment and training programmes, and of counselling and direction for parents;

The long-term treatment of the individuals who require it;

Maintaining a toy bank, and the loan of toys to parents and guardians, together with counselling and direction, and also professional assistance and advice on the development and functioning of other toy banks in Iceland;

The registration and preservation of data on individuals' disabilities in collaboration with the social, educational and health authorities.

285. In 1990, there were 2,779 disabled individuals on the registers of the State Diagnostic and Counselling Centre and the local offices. They were divided into 11 groups according to their disabilities. Of this number, 554 individuals were considered as being very seriously, seriously or moderately mentally retarded. In recent years, around 400 children have made use of the services of the State Diagnostic and Counselling Centre.

286. Disabled children have the right to attend ordinary nursery schools run by the local authorities (cf. the Nursery Schools Act, No. 78 of 1994). There, they are given the necessary support services, or else they attend special departments where they receive special assistance and training under the guidance of preschool teachers, social pedagogues and other specialists. The training is aimed at increasing the child's abilities, in terms of his or her level of development. Decisions on training and the form it is to take are to be taken in consultation with the child's parents and the nursery school's counselling and psychological service, following diagnosis and assessment by the psychological service or another legally-authorized diagnostic party.

287. Disabled children have access to the services of the toy banks, which not only loan toys but also provide developmental and play therapy for the children. There are 14 toy banks in Iceland in addition to the toy bank which operates in the State Diagnostic and Counselling Centre in Reykjavík. The banks have fulfilled a very important role in the service of disabled children, and their services are free of charge. When necessary, parents have the opportunity of short-term placement for their disabled children. This short-term placement of disabled children is intended to give the parents a rest, or to alleviate difficult situations resulting from illness or other circumstances. Attempts are also made to ensure that disabled children have access to periods of residence during the summer, when necessary, the aim of this being to give the disabled children an opportunity to have a change of environment and to have pleasure from being outside their own homes. This service is also provided free of charge to the parents.

288. Under the Primary Schools Act, children and young persons who need special teaching because of their disabilities have the right to receive teaching according to their needs; this may take the form of individual teaching or group teaching in or outside a general class, in special departments or in a special school.

289. The parents of disabled children are given special financial support under the Social Assistance Act, which states that those who support disabled children, c children who are ill and who are resident in private homes or are hospitalized on a temporary basis, may be paid a grant or support allowance if the child's mental or physical disabilities entail substantial expense or require special care or supervision. In 1992, the families of 813 children received financial support under these provisions.

C. Health and health care (art. 24)

290. The Icelandic health system and legislation on the health services are in accordance with the aims set out in article 24 of the Convention. The main piece of legislation in this area is the Health Services Act, No. 97 of 1990. This states that all citizens shall have access to the most sophisticated health services which it is possible to provide at any given time for the protection of their mental, physical and social health. Patients pay only a small part of the cost of doctors' services, and medicines, while hospital services are free of charge. The health service includes all types of health clinics, hygiene inspection, medical tests, medical attention and nursing in hospitals, medical rehabilitation, dentistry and ambulance services.

291. All those who have been legally resident in Iceland for six months are covered by health insurance under the Social Security Act. Children and young persons aged 16 and under are covered by health insurance together with their parents, and the same applies to step-children and foster-children. In 1991, expenditure on the health services amounted to some 8.4 per cent of GDP. Persons employed in the health services constitute about 6.5 per cent of the workforce.

292. Iceland is divided into eight health administration regions, each of which is subdivided into smaller areas. One or more clinics function in each of these areas and, where circumstances permit, these clinics operate in association with a hospital and are run as part of the hospital. The following services are provided at the clinics or in connection with them:

General medical services, nursing services, physiotherapy, occupational therapy, emergency services, house calls and ambulance services;

Medical examinations;

Specialized medical services, dental services and medical rehabilitation;

Home nursing;

Health care, divided into the following main categories:

Preventive instruction in hygiene;

Maternity care;

Infant and child care;

School clinics;

Immunization;

Tuberculosis immunization;

Preventive measures against venereal diseases;

Psychiatric care and measures against alcohol and drug abuse;

Ophthalmological care;

Audiological care;

Geriatric care;

Group screening and systematic measures to isolate diseases;

Social counselling, including family and parental counselling;

Environmental health protection;

Treatment of occupational diseases;

Accident prevention.

293. Infant and child mortality rates in Iceland are extremely low. In 1992, the infant mortality rate was 4.7 for every 1,000 births. Newborn children are monitored closely; regarding prenatal maternal care and the support given to mothers in connection with childbirth, reference is made to the discussion above of article 6 of the Convention.

294. The Health Services Act makes provision for health services in the primary schools, and provisions for health care for primary school pupils are also made in the Primary Schools Act. The health of primary school pupils is monitored systematically. The chief physician of the health clinic in the local area is to consult the school committee and principal on the structure and organization of health care in the school. The principal of every primary school is obliged to ensure that the pupils avail themselves of the school health services in accordance with the arrangements adopted.

295. In Iceland there are no traditional practices which need to be abolished because they are prejudicial to the health of children or opposed to their interests in other respects.

D. Social security and child care services (art. 26 and art. 18, para. 3)

296. Article 70 of the Constitution states that a person who is incapable of supporting himself and his dependents shall have the right to receive support from public funds, and that other persons shall not be obliged to support him; however, he shall then be bound by the obligations specified in law.

297. Many provisions in legislation reflect the view that those who are incapable of supporting themselves are to be given assistance and that families with children are to be given financial assistance. The first of these to be mentioned here is the Social Security Act, No. 117 of 1993. On the other hand, benefit payments under the Act are generally not income-related. Children and young persons under the age of 16 are covered by health insurance together with their parents, and the same applies to step-children and foster-children.

298. Children and young persons under the age of 16 are also covered by special insurance for dental care; this dental insurance does not apply to adults, with the exception of old-age pensioners and the recipients of disabili[illegible] allowances.

299. Child support is paid in respect of children under the age of 18 if either parent is deceased or is the recipient of a disability allowance, providing that either parent or the child himself has been legally resident in Iceland for at least the three years prior to an application being made. If both parents are deceased or receive disability allowances, double the rate of child support is paid. Child support is paid to the parents, if the children are supported by the parents, or to any other party who is solely responsible

for support of the children. Annual child support amounts to ISK 123,600; child support is not paid in respect of children who already receive a disability allowance.

300. As is described in paragraphs 201 and 202 of this report, mothers receive a minimum of six months' maternity leave when they have a child. During this leave, maternity grants are paid to mothers who are legally resident in Iceland at the time of the birth and who have been legally resident in Iceland during the 12 months preceding the birth. The maternity grant is currently ISK 25,090 per month, and payments may commence up to one month prior to the estimated date of birth. Members of unions of civil servants, bank employees and certain other trade unions are not covered by these provisions, as women in these groups receive full wages during maternity leave. In addition to the maternity grant, parents on maternity leave who were legally resident in Iceland at the time of the birth and were legally resident in Iceland during the 12 months preceding the birth have the right to receive per diem maternity allowances for 6 months providing they cease paid employment during maternity leave.

301. Under the Social Assistance Act, social assistance of various types is granted in connection with the support of children. Amongst the benefit payments which are grouped under social assistance are mother's and father's allowance, child support in connection with the school studies or vocational training of young persons aged 18-20, and grants made to those who see to the support of disabled and ill children. Mother's and father's allowances are paid to single parents who support their children under the age of 18 and who are legally resident in Iceland. The State Social Security Institute is authorized to pay child support in connection with the school studies or vocational training of young persons aged 18-20 if one or both of their parents are deceased or if either or both of the parents is an old-age pensioner or the recipient of a disability allowance. Annual mother's and father's allowance amounts to ISK 12,000 for one child, ISK 60,000 for two children and ISK 129,600 for three or more children.

302. The Treasury pays child benefit in respect of every child under the age of 16 who is permanently resident in Iceland and is supported by persons who are liable to taxation under the Income and Property Tax Act. Child benefit is larger for children under the age of seven, and is always double in respect of each child in the case of single parents.

303. Under the Nursery Schools Act, No. 78 of 1994, and the Local Authorities' Social Services Act, No. 40 of 1991, the legal obligation is placed on the local authorities to establish and run nursery schools and, as far as possible, to ensure the availability of places in nursery schools. Nursery schools are open to children from the time that maternity leave ends until the children reach the age of six. The Ministry of Education exercises professional supervision over nursery schools and grants licences for their operation. They are viewed as the first level in the Icelandic school system.

304. Parents pay a specific nursery school fee; single parents pay 30 to 50 per cent less than married parents, in addition to which the children of single parents have priority as regards places in nursery schools. Children attend nursery schools for periods ranging between three and

nine hours a day. About 75 per cent of children aged 3-6, and about 15 per cent of those aged 0-2 years, attend nursery school every day. There are about 220 nursery schools in operation in the country, about 70 of them being in Reykjavík. They vary in size; most of them have 40-80 children and they usually have different classes for the different age groups. Most of them are open 11 months of the year. In addition to nursery schools, licences are granted for the day care of children in private houses and the running of supervised children's playgrounds.

305. Day-care centres are run for children of school age, i.e. aged from 6 to 10. The total number of children who made daily use of the day-care institutions (nursery schools and day-care centres) during 1992 was 12,419.

306. The new Primary Schools Act of 1991 is specifically aimed at the establishment of single-session primary schools in Iceland with a continuous seven-hour school day with meals available in the schools. This is seen as an essential condition for being able to lengthen school attendance times to accommodate the general assumption in society that both parents work outside the home. The aim is to achieve this goal over a 10-year period, i.e. by the year 2001.

E. Standard of living (art. 27, paras. 1-3)

307. The general aims set forth in this article of the Convention are nowhere expressly stated in Icelandic legislation. None the less, they are basic aims in the Icelandic welfare system and are reflected in many places in legislation.

308. Two generally-worded provisions in the Constitution which are examples of this may be mentioned. One is article 70, which was mentioned above in paragraph 296, stating that a person who is incapable of supporting himself and his dependents shall have the right to receive support from public funds; the other is article 71, which states that if parents cannot afford to educate their children themselves, or if the children are orphans, then their education and support shall be provided from public funds.

309. The means to the end that children, and other members of society, shall enjoy the best possible standard of living, are expressed particularly in legislation covering social security, other social affairs, education and health. Reference is therefore made to the discussion of individual provisions of the Convention regarding these matters, in which the statutory provisions which are aimed at securing these ends are discussed.

VIII. EDUCATION, LEISURE AND CULTURAL LIFE

A. Education, including vocational training and counselling (art. 28)

310. In paragraph 308 above, mention was made of article 71 of the Constitution, which states that if parents cannot afford to educate their children themselves, or if the children are orphans, then their education and support shall be provided from public funds. Although this provision is old, and its wording perhaps does not completely suit modern conditions, it states

the general policy which still applies in Iceland, that all children are to have access to education, regardless of their economic standing or family circumstances.

311. As is mentioned above in the discussion of article 18, paragraph 3, of the Convention, nursery schools are run for children under the compulsory schooling age. The Ministry of Education exercises professional supervision over nursery schools and grants licences for their operation. They are viewed as the first level in the Icelandic school system. There is no obligation for children to attend nursery schools; however, about two thirds of children aged between 3 and 6 attend nursery school every day, as it is very common for both parents to work outside the home. There follow some statistics on nursery schools in Iceland from 1992:

Number of children aged between 6 months and 5 years:	22 500
Number of children aged 0-5 years in nursery schools:	11 500
Number of nursery schools in Iceland:	220
Number of qualified nursery school staff:	620
Number of unqualified nursery school staff:	970
Number of children aged 0-2 years per staff member:	3-4
Number of children aged 3-6 years per staff member:	6-8

312. Under the Primary School Act, all children and young persons aged between 6 and 16 years are obliged to attend primary schools, and the State and the local authorities are obliged to provide schools for all children in this age group. The aim of this is not only that all children and young persons should have the right to education, but that they should be obliged to attend school. There are more than 41,000 pupils in primary schools in Iceland, including more than 13,000 in Reykjavík, which is by far the largest educational administrative region in the country. The school year in the primary schools runs from 1 September to 31 May; thus, pupils are on holiday for three months over the summer and also for a total of a few weeks over Christmas and Easter.

313. Compulsory education in Iceland is free, meaning that all teaching and educational materials are provided without charge, though in some cases the materials are only loaned and not given to the pupils. The Primary Schools Act contains a clearly-worded provision to the effect that pupils in compulsory education may not be charged for teaching, educational materials or other materials which they are obliged to use under the Act and which the State and local authorities are obliged to provide. Furthermore, the State and local authorities are obliged to meet the costs if the pupils have to stay in boarding school. The policy is that children under the age of 10 should not live in boarding school, and they are driven to and from school if the school is not within walking distance of their homes. In rural areas where children are driven to and from school, they receive meals in the schools.

314. Primary school pupils who require remedial teaching because of difficulties in their studies, emotional or social problems and/or disability, have the right to receive teaching according to their needs. Special regulations, No. 106 of 1992 on Remedial Teaching, have been issued; inter alia, these contain further provisions on the aim and definition of remedial teaching, studies of the need for remedial teaching and how remedial teaching is to be carried out in the primary schools. They also state that pupils have the right to remedial teaching if they are out of school for long periods owing to illness, for example, as a result of hospitalization. The Disabled Persons Act and the Nursery Schools Act state the general policy that disabled children are to attend ordinary primary schools, where, however, they are also offered teaching and services in accordance with their special requirements.

315. All children of primary school age have the same right to education regardless of their colour, nationality or religious beliefs. Children whose mother tongue is not Icelandic are given special assistance with learning Icelandic, and to begin with they attend studies in special classes for foreign children where they learn the basics of the language before being sent to the ordinary primary school classes. About 200 children of primary school age currently make use of this service in primary schools in the Reykjavík area.

316. Efforts have been made in recent years to establish the reasons why children drop out of primary school and to prevent them from doing so. The Minister of Social Affairs appointed a committee for this purpose in 1991 to suggest ways of alleviating the position of those young persons who drop out of school. The committee's report, presented in 1992, contained criticisms of the education offices in various regions in the country which were not monitoring attendance by pupils as they should have done, and also of the fact that there are no laws directly concerning registration of pupils. There are few coordinated statistics available on the number of pupils who drop out of school, but of the 4,203 young persons legally resident in Iceland in 1990 who were supposed to complete primary school in the spring of 1991, 119 had dropped out as compared with the figures for the number of pupils in the last year of primary school; thus, just under 3 per cent of the pupils in that year appear to have dropped out of school. The main reasons why pupils drop out of school appear to be illness, insufficient development, social problems and moves between school districts and even between countries. The committee proposed the establishment of the position of a pupils' Ombudsman in the larger schools in the country to attend to preventive measures and give advice, for example assisting those pupils whom teachers or school principals consider have difficulties with their studies, or who have social problems. It was also proposed that the overall registration of pupils should be handled and supervised by a single body. The committee's proposals have not been implemented.

317. Here follow some statistics on Icelandic primary schools (for the school year 1992-93):

Number of primary schools in Iceland	203
Number of pupils	40 772
Number of privately-run schools	6
Number of pupils in privately-run schools	788
Number of special schools	7
Number of pupils in special schools	628
Number of qualified teachers	2 858
Number of full-time equivalent positions	2 417
Number of non-qualified teachers	504

318. Cost of the primary schools for the 1992-93 school year:

Paid by the State:	ISK 5 110 000 000
Paid by the local authorities:	ISK 1 600 000 000

319. Following primary school, secondary school is the next stage in the Icelandic school system; secondary schools are subject to the Secondary School Act, No 47 of 1988. About 18,000 pupils are currently studying in the secondary schools. Secondary school studies last four years, from the time that primary school ends until the pupils are aged 20. A large number of secondary schools operate in Iceland: grammar schools, comprehensive schools, commercial colleges, technical colleges and many types of specialized colleges at the secondary level, for example an agricultural college, a fisheries college, a marine engineering college, a horticultural college and a preschool-teachers' training college. All those who have completed primary school, or who have turned 18, have the right to study in a secondary school.

320. The Secondary Schools Act defines three goals in secondary school education:

To prepare pupils to live and work in a democratic society by creating conditions in which each pupil is able to study and develop;

To prepare pupils for work in the labour market by means of specialized studies which confer the right to practise a particular craft or trade;

To prepare pupils for study in specialized colleges and at university level by giving them skills and training in working methods.

321. Under the Act, education in secondary schools is to be given in courses which are defined according to the aims of the studies concerning vocational preparation or preparation for further studies. Emphasis is placed on the connection between the practical and theoretical parts of the training. In addition to compulsory subjects, pupils may be given the opportunity to take elective courses.

322. In accordance with further provisions in the syllabus, instruction must be offered in the legally licensed trades and other industries. Provision for this is made in the Regulations on Industrial Training, No. 558 of 1991.

323. The vast majority of secondary schools in Iceland are run by the State, and pupils are required to pay a registration fee and a membership fee, ranging between ISK 5,000 and 10,000 a year, of pupils' societies. Pupils have to pay for their own educational materials.

324. There is no comprehensive legislative act covering third-level education. The University of Iceland is covered by Act No. 131 of 1990. Until a few years ago, the University of Iceland was the only third-level educational institution in Iceland. All who have completed secondary school have the right to study at the university. Others who have completed studies in comparable schools, in Iceland or abroad, have the same right.

325. The University of Iceland and the other third-level educational institutions are run by the State. In recent years, around 5,000 students have been enrolled in studies in the University of Iceland, and about 800 graduate each year. Between 300 and 400 Icelanders have graduated each year from overseas universities in recent years. Students at the University of Iceland are required to pay a small annual registration fee; during the 1993-94 academic year it was ISK 22,500. Students may take student loans from the Icelandic Student Loan Fund to support themselves while they are studying, and also to cover course fees, or part of them, if they wish to study at overseas universities. Under the Icelandic Student Loan Fund Act, No. 21 of 1992, the role of the fund is to guarantee students the opportunity to study irrespective of their economic standing. Student residences, with low rents, are run in connection with the University of Iceland, and students from areas outside the capital area have priority as regards accommodation in these residences.

326. It may be mentioned that the illiteracy rate in Iceland is considered extremely low, though there are no exact figures available. Iceland has participated in the United Nations campaign to eradicate illiteracy in the world by the year 2000.

327. State expenditure on education amounts to around 15 per cent of the budget. Of the total expenditure on education, 73 per cent is spent on school functions (some 40 per cent on the primary schools, 28 per cent on the secondary schools and 32 per cent on third-level education), 10 per cent is spent on school buildings and 17 per cent goes towards the Icelandic Student Loan Fund. Contributions by the local authorities amount to about one quarter of the costs of school functions and about 40 per cent of the costs of building secondary schools.

B. The aims of education (art. 29)

328. In the opening provisions of both the Nursery School Act and the Primary School Act, there are clear statements of the aims of the Acts. Under article 1 of the Nursery School Act, No. 78 of 1994, nursery schools are to undertake, at the request of parents, the care and education of children of nursery school age under the direction of people with special training in preschool teaching. Under article 2 of the Act, the main aims of the educational work in the nursery schools shall be:

To see to the children's needs and provide a good environment for their development and good facilities for play;

To give the children the opportunity of participating in games and activities and to benefit from the varied developmental stimuli of a group of children under the guidance of preschool teachers;

To strive, in collaboration with the home, to stimulate the all-round development of the children in accordance with the nature and needs of each, and to give them mental and physical attention so that they can enjoy their childhood;

To encourage tolerance and broad-mindedness on the part of the children and to give them equal opportunities for development in all respects;

To instil Christian moral values in the children and lay the foundations necessary for the children to become independent, thinking, active and responsible participants in a democratic society which is undergoing rapid and continuous development; and

To cultivate the children's expressive and creative powers with the aim of strengthening their self-esteem, security and ability to solve their problems in a peaceful manner.

329. Comparable aims are expressed in article 2 of the Primary Schools Act, which states:

"The role of the primary schools shall be, in collaboration with the home, to prepare the pupils to live and work in a democratic society which is in continuous development. Working methods in the schools shall be marked by tolerance, Christian morality and democratic collaboration. The school shall instil broad-mindedness in the pupils and develop their understanding of people's life-style and environment in Icelandic society, their history and special features, and the duties of the individual towards society. The primary schools shall seek to structure their activities as far as possible according to the pupils' nature and needs, and to encourage the all-round development, health and education of each and every pupil. The primary schools shall provide the pupils with the opportunity to acquire knowledge and skills and to adopt working methods which encourage a constant effort towards education and development. The activities of the schools shall therefore lay the foundations for independent thought on the part of the pupils and train their ability to work together."

330. Under the Primary Schools Act, the Ministry of Education is to set the primary schools a general syllabus. This contains provisions inter alia on the educational role of the primary schools, the general policy in teaching and the structure of the teaching in accordance with the role of the primary schools. In setting the general syllabus, organizing teaching and preparing and selecting educational materials, special care is to be taken to ensure that all pupils receive as nearly as possible equal opportunities to education. The aims of study and teaching, and the working procedures in the primary schools, shall be such as to avoid discrimination on the basis of

origin, sex, residence, class, religion or disability. Finally, it is stated in the Primary Schools Act that in all school activities, differences in the pupil's personality, maturity, ability and interests shall be taken into consideration.

331. Amongst the matters to be addressed in the general syllabus is the form that the teaching of the Christian faith and morality, other religions and general values is to take. The General Syllabus for Primary Schools in Iceland of 1989 states, inter alia: "It is important to show consideration when dealing in matters and viewpoints connected with the home, e.g. consumption and lifestyle. This applies particularly in the case of religious beliefs and attitudes to life. In the light of the special position of these matters, especially as regards freedom of religion, individual pupils may be granted exemption from particular parts of the compulsory studies in primary schools." A special section of the syllabus deals with the Christian faith, morality and religious education, and states the policy that primary school teaching in these areas is intended to impart a knowledge and understanding of various religions and attitudes to life and how they are expressed in religious ceremonies and daily life. The teaching is to assist pupils to mix with, and respect, people of another faith or outlook on life. The main material is to include the principal religions of the world and other contemporary views of life. The difference between them and Christianity is to be emphasized. The teaching is to be purposeful and balanced and, where possible, individuals of different faiths are to be invited to give an account of their attitudes to life.

332. As regards the right to establish and direct educational institutions, the State does not impose restrictions in this area except in cases in which private schools are intended to fulfil the roles of the primary schools, in which case certain conditions are set. Thus, article 73 of the Primary Schools Act states that the Ministry of Education may grant approval to primary schools, or parts of a primary school, which are financed by individuals or institutions if they function according to regulations or organizational directions approved by the Ministry, and providing such schools submit to the same inspection and rules as other primary schools. Children who attend these private schools are not required to attend state-run primary schools, but the principals shall, before the commencement of the school year, send the appropriate school committee and regional director of education a list of the pupils and inform the same parties of all changes in the register of pupils as soon as they take place.

333. Very few private schools are operated at the primary school level, and none outside the Reykjavík area. Private schools have no claim to support from public funds, but nevertheless receive some support from the State in addition to collecting fees from the pupils. The same applies to the few private schools which are run at the secondary and tertiary educational levels.

C. Rest, leisure and participation in cultural life (art. 31)

334. Among the aims of the Nursery Schools Act listed in paragraph 328 above is the aim that nursery school activities should provide the children with a good environment for their development, good facilities for play and the

opportunity to participate in games and activities and benefit from the varied developmental stimuli of a group of children under the guidance of preschool teachers.

335. The Primary Schools Act also states that children are to be able to enjoy free time and leisure activities. Amongst other things, the Act prohibits children from engaging in work outside the primary school if this entails their being unable to pursue their studies properly or not receiving the necessary rest in the view of the school principal and teachers. In such cases, the school principal is to inform the pupil, his guardians and the employer involved. Mention will be made of this provision of the Primary Schools Act and work involving children and young people in general in the discussion of article 32 of the Convention.

336. Under article 52 of the Primary Schools Act, pupils in all primary schools shall be given the opportunity of participating in leisure and social activities run by the school. Leisure and social activities may constitute part of the activities of the school or take place outside normal school hours. It is emphasized that leisure and social activities should not take place exclusively outside the ordinary activities of the school but may form part of the daily school activities. Social activities are to be directed towards the pupils' being able to undertake social functions in society. The cost of social activities is to be borne by the appropriate local authority. A distinction is drawn between leisure and social activities which the local authorities are to pay for and "social instruction", which is part of compulsory schooling, is paid for as a part of teaching.

337. Under the Local Authorities' Social Services Act, the social welfare committee in each local government area is to ensure that children have good conditions in which to grow up and which are conducive to their development; this applies in particular to nursery schools and leisure activities. The local authorities offer a large number of leisure activities for children and young persons. The Reykjavík Sports and Youth Council provides a very substantial programme of activities for the general public in the city, with particular emphasis on children and young persons. The city operates a large number of sports fields, and about 10 social centres. The Reykjavík Sports and Youth Council gives financial support to a large number of societies and associations whose work is directed towards sporting and leisure activities. The contribution made by the City of Reykjavík to leisure and sports activities amounts to more than ISK 1,000 million, which represents about 10 per cent of the city's total budget.

338. A large number of sports clubs are run in Iceland, offering organized sporting activities for children and young persons. The State makes grants to sports clubs which meet certain conditions. Under the Sports Act, No. 49 of 1956, sports are administered by the Ministry of Education. Under the act, it is obligatory to provide a certain amount of sporting activities in the primary schools, with an emphasis on pupils' being able to indulge in outdoor sports when possible and local conditions permit. Steps are also to be taken to encourage pupils to practise sports in their free time.

339. Act No. 24 of 1970 deals with youth activities, the aim being to establish rules on public support for youth activities, in particular those

involving children and young persons in the age range 12-20. The parties who receive financial assistance are primarily societies which work at matters concerning youth on a free and non-professional basis, their activities being based mainly on volunteer work and their own fund-raising, and also other parties which are involved in organized activities aimed at the welfare of young persons who are not affiliated to clubs or societies.

338. Art is an obligatory part of the syllabus in primary school. The Primary Schools Act states that the general syllabus is to lay down rules on the main content and structure of study and teaching in the arts, aesthetics, artistic cultivation and skills, painting, craft, music, drama and dance. Teaching in painting and craft, which is covered in detail in the syllabus, is aimed at achieving the goal of primary education of seeking to give all individuals an opportunity to discover and develop their talents. The main aims of teaching in this area are as follows:

To develop and train pupils' minds and ability to express their ideas, knowledge and experience by using appropriate methods in many media;

To stimulate pupils' imagination, creativity, self-assurance and independence;

To enable pupils to understand their environment;

To enable pupils to perceive and understand the message of the pictorial language they see in daily life;

To cultivate pupils' will and ability to work together, and their social maturity;

To lay the foundations of pupils' independent judgement, arouse their interest in, and increase their knowledge of, practical skills, the arts and other cultural values;

To enable the pupils to become familiar with the properties of the various materials which are used, to acquire efficient working skills and to achieve the ability to work independently;

To arouse, nurture and stimulate pupils' interest in useful and constructive leisure activities.

341. Painting and craft are considered to form a desirable basis for various leisure activities, though the pupils have to cultivate their ability to work independently and improve and extend the knowledge, skills and training which they receive in primary school.

342. The Ministry of Education is in charge of various projects which are currently in progress and are aimed at stimulating participation by children in culture and the arts. One of the largest projects of this type in recent years has been "Nordic Youth - Nordic Art" (Et levende Norden), which lasted throughout the 1993/94 school year. Sponsored by the Nordic Council of Ministers, it covered nine regions in all the Nordic countries. The project included theme days in schools, with visits by Nordic artists, actors,

dancers, musicians, authors, film-makers, graphic artists, etc. The aim of the project was to increase knowledge of Nordic affairs and to stimulate a feeling of common Nordic identity on the part of young people by direct contact in the field of culture and the arts. Another example of work aimed at stimulating children's involvement in culture is that, in spring 1994, a special Children's Cultural Fund was established. It is administered by the Ministry of Education and the aim is to provide support for projects connected with children's cultural activities in various ways.

IX. SPECIAL PROTECTIVE MEASURES

A. Children in emergency situations

(i) Children of refugees (art. 22)

343. There is no comprehensive legislative act covering refugees in Iceland. The main provisions regarding refugees are to be found in the Foreign Nationals Supervision Act, No. 45 of 1965, which draws together the provisions applying generally to the rights of foreign nationals to enter and reside in Iceland, supervision of foreign nationals and the grounds on which they may be deported. Iceland has ratified the Convention relating to the Status of Refugees of 1951.

344. The authorities in Iceland have yet to form a comprehensive policy regarding refugees; the whole question of refugees is not even dealt with by a single government ministry. At the beginning of 1994, a working group was appointed by the Ministry of Justice and the Ministry for Foreign Affairs to make proposals on policy regarding refugees and the possible review of the Foreign Nationals Supervision Act. This was partly the result of closer collaboration with the other Nordic countries on the question of refugees in recent years, and the need to draw up a coordinated policy in this area in the Nordic countries.

345. As yet, Iceland does not have a specific annual quota of refugee admissions, either in the form of a total number or as regards individual countries. Relatively few refugees have come to Iceland in recent years, and most of those who have come have been from Asia. From 1956 up to the present, decisions on refugee quotas have been taken by the Icelandic Government. Since 1956, when 52 refugees from Hungary arrived in Iceland, five groups of refugees have come to the country. These are:

1956	52 from Hungary
1960	35 from Yugoslavia
1979	34 from Viet Nam
1982	26 from Poland
1990	30 from Viet Nam
1991	30 from Viet Nam.

The total number is 207, the average 5 per year. At the request of the Government, the Red Cross has seen to the selection, reception and adaptation of all these refugees, except for the 35 Yugoslavians who arrived in 1960: the Ministry of Social Affairs handled that group. The last decision on a refugee quota was taken by the Government in 1989, when it was planned that about 60 refugees from South-East Asia would be admitted in the years 1990-1992; the group arrived during 1990 and 1991. During the period 1982-1993, 40 relatives of the refugees admitted in 1979 have come to Iceland, and 5 relatives of those admitted in 1991.

346. At the request of the Government, the Icelandic Red Cross has given refugees assistance of many types after their arrival in Iceland in order to help them adapt to their new way of life. The Red Cross has a special refugee committee, one of the aims of which is to assist the Government authorities in dealing with refugees. One of the committee's functions is to contribute towards policy and to assist the Government in dealing with the arrival of refugees in Iceland and to assist them to adapt to life in Iceland. The committee works against racial discrimination and scare propaganda directed against persons of foreign origin, and it serves as a consultative body in matters concerning refugees.

347. Regarding the children of refugees specifically, the work of the Red Cross has mostly been directed towards securing a priority right for them to nursery school places and having the State undertake to pay their fees so that the parents do not have to pay for the day care of their children. The Red Cross has also been instrumental in reuniting refugee children who have arrived in Iceland with their families in other countries.

348. Special measures have been taken by the Ministry of Education in the school system to help refugee children and other immigrants in Iceland to adapt to Icelandic society. Thus, the children of refugees in the primary schools are offered special teaching in Icelandic. The main emphasis is placed on group teaching and on reception departments for children who are starting school in Iceland. This work is experimental; it began in autumn 1993 and is part of the restructuring of services to immigrants in the educational system. The budget proposals for 1994 include provisions for the continuation of funding for the teaching of immigrants.

349. In all other respects, the children of refugees have the same rights to social security as other children resident in Iceland.

(ii) Children in armed conflict (art. 38). Psychological recovery and social reintegration (art. 39)

350. Iceland is a signatory of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949. There is no domestic Icelandic legislation covering armed conflict. No wars have ever been fought in Iceland.

351. No domestic armed forces have ever been established in Iceland and therefore there has never been compulsory military service and no points of dispute associated with it have ever arisen. Under article 75 of the Constitution, all men capable of bearing arms are obliged personally to take

part in the defence of the country, in accordance with further provisions which may be made in law. This provision has never been put to the test, but the term "men capable of bearing arms" would doubtlessly be interpreted with the age of 18 years as an absolute minimum.

352. As native-born Icelanders have never had to suffer the horrors accompanying armed conflict, there are no systematic measures established by the authorities in order to assist people to attain psychological recovery and social integration. In cases where the children of immigrants or refugees have been victims of armed conflict, they are offered the assistance of a psychologist or other appropriate treatment within the Icelandic health system. The same applies to children who have been subjected to other types of cruel or degrading treatment, for example the victims of physical assault or sexual offences.

B. Children who are involved with the law

(i) The handling of cases involving infringements by young persons (art. 40)

353. Violations of the Penal Code committed by children under the age of 15 are treated as child welfare cases, and in such cases only the remedies provided for in the Protection of Children and Young Persons Act may be applied. Children acquire criminal responsibility at the age of 15, at which age they may be charged with the commission of a criminal offence. The same procedural rules apply to criminal actions which are brought against young persons in the age range 15-18 years as apply when older offenders are involved; these cases are conducted before the ordinary courts like other criminal cases. However, in many places in the Code of Criminal Procedure, No. 19 of 1991, and the Penal Code, special rules are to be found on the handling of cases brought against young persons of this age. A further description of these special rules follows, since they are relevant to a discussion of the matters listed in article 40 of the Convention.

354. The Constitution seeks to ensure the independence of the judiciary from the other branches of government. Under article 59 of the Constitution, the structure of the judiciary may only be decided by legislation, and article 61 of the Constitution states that in their official duties, judges are subject only to the law. Judges may only be dismissed from office by a court judgement, and they may not be transferred to another position against their will except where a restructuring of the judiciary is being carried out. This basic rule on the independence of the judiciary is also expressed in many places in legislation, for example in the rules on the appointment of judges, in addition to further rules aimed at ensuring the independence and impartiality of judges in individual cases, including the rules on incompetence which state that a judge is obliged to vacate his seat in a case in circumstances which call his impartiality in question.

354. New comprehensive legislation on the judicial system in Iceland came into force on 1 July 1992, one of its aims being to make a complete distinction between the judiciary and the executive and to make the courts as independent as possible of the executive. At the same time as the new judiciary structure was introduced, new legislation came into force in all areas of legal

procedure, including the new Code of Criminal Procedure, No. 19 of 1991. This code introduced amendments of many types as compared with the older code of 1974. The new Act established procedures in prosecution, since a complete distinction was made between the functions of the prosecution and the police, on the one hand, and the functions of the courts on the other. The investigation of criminal cases is now completely in the hands of the prosecution and the police, and the judge neither initiates nor controls the investigation. Investigations by the courts have thus been abolished, and the role of the judge during an investigation is restricted to making rulings in various areas of dispute which may be referred to him.

356. Article 2 of the Penal Code states the general principle that a person may not be punished unless he is guilty of an action which is punishable according to the law at the time that the action is committed. If the criminal law is amended in the period between the commission of the action and the passing of sentence, the case is to be judged under the new law, though in no case may a heavier penalty be imposed than the one prescribed under the old law. In special circumstances, a person may be sentenced to a punishment under the criminal law which was in force at the time that the action was committed, even though the provision regarding punishment has been rescinded at the time of the judgement, if the reasons for the rescission do not indicate a change of attitude on the part of the legislature towards the punishability of the action. Examples of such cases would be where the penal provisions of individual pieces of legislation against infectious diseases are rescinded because there is no longer a danger of infection, or a product which was formerly subject to customs duties is no longer subject to them, etc. The rescission of such provisions does not indicate that the legislature intends offences committed during the period of their validity to go unpunished.

357. The principle that a person is to be regarded as innocent until proven guilty is not expressly stated in the Code of Criminal Procedure. None the less, this is one of the most important basic principles which is observed in criminal procedure in Iceland.

358. Article 45 of the Code of Criminal Procedure states that the onus of proof concerning the defendant's guilt and events which may be interpreted to his disadvantage rests with the prosecution. Thus, all doubt concerning the defendant's guilt is interpreted in his favour.

359. The general rules regarding the defendant and his legal position, including his right to legal representation, are gathered together in section VI of the Code of Criminal Procedure, which is entitled "The accused and defence lawyers". This section contains clear rules to the effect that a person who is arrested in connection with a criminal case has the right to contact a lawyer, or other spokesman, and al is closest relatives. The section also contains rules on the rights and gations of the defence lawyer, including an unequivocal authorization abling him to monitor the progress of the criminal case and granting him access to evidence with a bearing on the case. When a person is arrested, he has an unconditional right to be informed of the reasons for the arrest. A person who is questioned in connection with the investigation of a case has the right to be informed, when

the case has become sufficiently clear to permit this, of whether he is being questioned because of a suspicion that he himself has been involved in a punishable offence or whether he is being examined as a witness.

360. As regards special provisions on children and young persons in this area, a police officer is obliged, under the Protection of Children and Young Persons Act and the Code of Criminal Procedure, to inform the child welfare committee when he is handling a case involving a child or young person. When offences are committed by children or young persons, or against them, the police officer or judge shall immediately inform the child welfare committee and give it the opportunity of monitoring the investigation of the case. In addition, if the child is under the age of 16, the child welfare committee shall be given the opportunity of having a representative or employee present when the child is questioned. The judge is also able to demand that this be done if he sees fit. Finally, the child welfare committee is obliged to notify the child's parents if a case concerning the child is being handled by the police or the courts, providing that this is not opposed to the interests of the child. If a parent wishes to be present at the questioning of his or her child under the age of 16, this is normally to be permitted.

361. The Code of Criminal Procedure does not contain special provisions on the speed of processing cases involving young persons, but article 133 of the Penal Code states that cases are to be dealt with as speedily as circumstances permit and judgement to be delivered as soon as possible, and normally not later than three weeks after the case is accepted for judgement. The judge may decide to hold the session in camera if the accused is under the age of 18.

362. During the investigation of cases by the police, statements by witnesses are generally taken without the accused being present. However, the accused's defence counsel may be present at all times during the questioning of other parties in the case if this is thought to pose no hazard to the investigation of the case. The defence counsel may in these cases ask the questioner to put questions on particular matters to the person under questioning. Finally, the defence counsel may demand to have his comments on the way the questioning was conducted recorded at the end of the questioning session. During the main hearing of a criminal case in court, the accused is present when the witnesses give testimony. The judge may, however, decide to send the accused out of the court while a witness makes a statement if this is demanded and the judge considers that the presence of the accused could be particularly discomfiting for the witness or exert an influence on his or her statement. Witnesses may be called before the court in accordance with the demands of the prosecution and the accused (or his defence counsel). However, the judge may refuse to allow the prosecution or defence to produce a witness if the statement of evidence involved is evidently unnecessary for the purpose of clarifying the case. Broadly speaking, the presentation of evidence by witnesses in court takes the form of the judge putting to the witness the questions requested by the prosecution and the defence, but he may also give them the opportunity of putting questions directly to the witness. Each witness is heard separately, though the judge may decide to question a witness and the defendant or other persons at the same time if their statements are contradictory. The general rule applies that at all stages of a criminal action, the defendant is not obliged to answer questions relating to punishable conduct of which he is accused. The person conducting the questioning is obliged to explain this

right unequivocally to the defendant when there is reason to do so. The Code of Criminal Procedure also states the rule that a person is not obliged to answer a question when under oath as a witness if there is reason to believe that his answer would constitute a confession or an indication that he, or a person related to him, had committed a punishable offence.

363. Under the Code of Criminal Procedure, some special provisions apply to children in connection with giving evidence as witnesses. No minimum age limit applies to the duty to give evidence in criminal cases, but in each individual case the judge is to assess whether the child has reached a level of maturity such that his understanding of the facts of the case will be sufficient to render significant his evidence about them. In the investigation of a case, it is permitted to record statements of evidence by witnesses or defendants or to make video recordings of statements where children are involved. If a child has to be questioned, the Code of Criminal Procedure provides for this to be done before the court during the investigation of the case. This provision is made specially with the aim of avoiding the repeated questioning of children, i.e. both during the investigation of the case and during the hearing of the case in court.

364. Article 75 of the Code of Criminal Procedure contains a general provision to the effect that disputes about the legality of police investigation methods, and disputes about the rights of the defendant and his legal counsel, including requests for specific investigative measures, may be referred to a judge.

365. With a few minor restrictions, criminal cases may be appealed against to the Supreme Court, and there are no special rules applying to young persons' cases in this regard. Under section XVIII of the Code of Criminal Procedure, judgements by the district courts may be referred to the Supreme Court with the aim of securing:

A review of the decision on the penalty;

A review of conclusions which are based on the interpretation or application of rules of judicial procedure;

A review of conclusions which are based on the evaluation of the value of evidence other than oral evidence presented in the district court;

The annulment of the district court's judgement and referral for a retrial, and

The dismissal of the case from the district court.

If the defendant did not attend the district court and the case has been judged in absentia, which is permitted if the offence is not considered as involving punishment heavier than a fine, the confiscation of property or the deprivation of rights, or if the defendant has previously appeared in court and unconditionally confessed to all the offences of which he stands accused, and the judge does not consider there is any reason to doubt that his confession is consistent with the truth, and providing that no heavier punishment than six months' imprisonment may be imposed, then an appeal may

only be lodged against the sentence on the grounds of legal technicalities or the punishment, and only by the permission of the Supreme Court. The permission of the Supreme Court is also required if an appeal is to be made against a conviction if the defendant is not sentenced to imprisonment or a fine, or is sentenced to confiscation of property amounting to less than ISK 300,000. The defendant has four weeks in which to appeal against a sentence after it is served on him. If he does not lodge an appeal within this period, the view is taken that he agrees to abide by the sentence. Criminal cases which are referred to the Supreme Court are given priority treatment by the court. Thus, they normally take precedence over civil cases which have already been lodged with the Supreme Court, and are treated as soon as they are received. This rule is not stated in a statute, but it has long been observed by the Supreme Court. This arrangement is also in accordance with article 133, paragraph 1, of the Code of Criminal Procedure, which states that the treatment of criminal cases shall be as speedy as circumstances permit.

366. If a defendant who is to make a statement to a court is not sufficiently fluent in Icelandic, an authorized court interpreter shall be called in to assist unless the judge considers himself competent to converse with the defendant in another language. This rule is expressed in article 13, paragraph 1, of the Code of Criminal Procedure, and also applies when a statement is made in the course of the investigation of a case. In particular, an interpreter is to be called in if a foreigner is involved, but the rule also applies if there are difficulties of communication of other types, for example, if the defendant is deaf or dumb. The costs of employing an interpreter are borne by the Treasury.

367. Some provisions are to be found in the Code of Criminal Procedure on exceptions from the statutory rule on the privacy of the home and private life, particularly as concern the requirements of investigations. In these cases, however, a court order is always required for the authorization except in special circumstances involving a search; an account of these will be given below. Under article 89 of the Code of Criminal Procedure, a search may be carried out in a suspect's house, storerooms, items of furniture, ships and other vehicles for the purpose of arresting him, investigating the evidence of an offence or recovering objects or evidence which are to be seized. Searches may also be made on the premises of persons other than the suspect if the offence has been committed there or if an accused person has been arrested there, and also if there is good reason to suspect that the suspect is staying there or that objects or evidence which are to be seized are to be found there. An exception from the requirement regarding a court order for a search applies if the person concerned gives his consent for the search. A search without a court order is also permitted if waiting for a court order would jeopardize the investigation of the case, and if the search is for a person who is to be arrested, or if there is a danger that the person would escape while the order of the court was being obtained. A search may be made of a suspect's person if it is considered necessary to take from him evidence or objects which are to be seized (cf. art. 92 of the same act). This also contains an authorization to carry out a search, after obtaining the opinion of a doctor, if there is a suspicion that the person is concealing inside his body objects or substances which are to be seized. Blood and urine samples may be taken from the suspect, and any other non-injurious physical

examination which may assist the investigation may be performed. Finally, fingerprints and photographs may be taken for the investigation. Persons other than the suspect may be searched if there is reason to believe that they have on their persons evidence or objects which are to be seized. Exceptions from the condition that a court order is required for searches in these cases apply if the suspect gives his consent and if there is an imminent danger that waiting for a court order could jeopardize the investigation of the case. There are no special rules applying to young persons in this area.

368. As has been stated above criminal cases against young persons aged 15-18 are conducted before the ordinary courts, and most of the special procedural rules applying to criminal cases involving young persons have already been described. There are no special institutions for young persons of this age who are suspected, accused or found guilty of infringements of the Penal Code, and they serve sentences in the ordinary prisons, as will be discussed in further detail in the discussion of article 37 of the Convention and the reservation which Iceland has made with regard to that article.

369. Regarding the capacity of young persons to face criminal charges, the age of 15 is an absolute condition for a person to be considered capable of facing a criminal charge. The Penal Code contains some special considerations regarding the issue of charges and the determination of punishment in cases involving young persons aged 15-21. Thus, article 56 contains an authorization stating that when a person has confessed to an offence, the Director of Public Prosecutions may postpone for a certain length of time the issue of a charge entailing punishment because the person is in this age range. In these cases, suspension periods may not be shorter than one year and not longer than five years, and shall normally be 2-3 years. Cases involving the person may be opened again if, before the end of the suspension period, a judicial investigation begins into a new offence which he has committed during the suspension period or before the case was suspended, and also if he violates significant aspects of the conditions on which suspension was granted.

370. Under article 57 of the Penal Code, a court may decide to defer conditionally for a specific period a decision on punishment, on the one hand, and the execution of punishment on the other. These authorizations are employed extensively when young persons are involved. The suspension period may not be shorter than one year and not longer than five years, and shall normally be set at 2-3 years. Deferment shall be subject to the condition that the party does not commit a new offence during the suspension period, and may also be made subject to particular conditions, i.e. that he comply with the directions of his supervisor regarding place of residence, education, work, association with other persons and the use of leisure time, or that he refrain from the consumption of alcohol or narcotic drugs.

371. If children under the age of 15 infringe the law, remedies are applied under the Child Welfare Act. There is no treatment institution for young persons with the exclusive role of dealing with children or young persons who have committed offences. In general, offences are considered to be the expression of other underlying problems, such as emotional, psychiatric or social problems. The view is therefore taken that the institutions which are involved with the diagnosis and therapy of children and young persons should

to some extent attend to children and young persons who break the law. This applies in particular to the State Institution for Maladjusted Youth. The discussion of article 20 of the Convention above gives an account of the treatment offered by that institution, though it should be pointed out that at the time of writing this report, various changes are being planned in the treatment services offered by the State and the local authorities; these are also described in the discussion of article 20.

(ii) **Children who are deprived of their liberty, this including all forms of remand, imprisonment and measures in connection with custody (art. 37, sects. (b), (c) and (d))**

372. As has been stated above, children under the age of 15 may not be sentenced to punishment and therefore never have to serve prison sentences. However, the Child Welfare Act contains provisions for remedies if children under this age infringe the law. Article 22 of the Act states that if a child or young person is endangering his or her own health or development by his or her own conduct, for example by consuming alcohol or other intoxicants, committing offences or other equally destructive behaviour, the child welfare committee is to provide special assistance in the form of interviews, counselling, placement in a centre for maladjusted youth or other available supportive measures. Under these circumstances, the child welfare committee may, in consultation with the parents, place a child for temporary treatment and examination for up to four weeks at a time in an appropriate institution. If a child welfare committee considers it unavoidable to place a young person who has attained the age of personal competence in an institution against his will because he is seriously jeopardizing his own health or development by drug abuse, the committee may seek the approval of the Ministry of Justice for the placement of the young person in a hospital or a department of the State Institution for Maladjusted Youth for drug abusers. The deprivation of liberty, and the channels of appeal to the courts, are then subject to the provisions of the Personal Competence Act, which are described above in paragraphs 272-277 of this report.

373. Article 24, paragraph 1, section c, of the Child Welfare Act states that if it is evident that a child's health or development may be in jeopardy due to neglect, incompetence or misconduct on the part of the parents, the child welfare committee may make an order to the effect that the child is to be removed from the home, placed in a foster home or hostel, examined by a doctor or placed in a hospital or other institution in order to ensure its safety or in order to enable the appropriate examination of the child to be made. Such measures shall in all cases be temporary, and may not be applied for longer than necessary in any given case, in addition to which they must be reviewed not less often than at six-monthly intervals. As with other orders made by child welfare committees, such decisions may be referred to the Child Welfare Council.

374. Under the Prisons and Imprisonment Act, No. 48 of 1988, prisons in Iceland fall into two categories: remand prisons and long-term sentence prisons. Those who are remanded in custody because of a reasonable suspicion that they have committed an offence which is punishable by imprisonment are held in remand prisons if further conditions stated in the Code of Criminal Procedure are met. Young persons in the age range 15-18 years may be held in

custody while a case is being investigated, but it is very rare that persons under the age of 16 are remanded in custody. Article 108 of the Code of Criminal Procedure contains special rules on the treatment of remand prisoners. It states that they shall receive the treatment necessary for custody to be effective and for maintaining order, but that care shall be taken not to treat them harshly or cruelly. Under the authorization of article 108 of the Code of Criminal Procedure, the Minister of Justice issued the Regulations on custody, No. 179 of 1992. These contain detailed provisions on the rights of remand prisoners. A remand prisoner has the right to refer matters concerning detention in custody to a judge. Amongst other special rules applying to the treatment of remand prisoners is one stating that they are permitted to have themselves provided with, and to accept, food and other personal necessities, including clothing. They are only held in isolation if this is necessitated by the requirements of the investigation, but they may not be held with other prisoners against their will. The right of remand prisoners to receive visits and post, and their access to the media, may be restricted if this is deemed necessary in the interests of an investigation.

375. There is no special young offenders' prison in Iceland where young offenders in the age range 15-18 can be held to serve sentences; nor is there any obligation in law stating that young offenders shall be held separately from older prisoners. Thus, Iceland's reservation on this point in connection with article 37 of the Convention remains unchanged. It should be pointed out once that the Prisons and Imprisonment Act states that when a decision is taken on the prison in which a sentence is to be served, the age of the prisoner, amongst other things, shall be taken into account. There are very few prisoners under the age of 18 years in Iceland, which is one reason why no special young offenders' prison has been built.

376. Under the Prisons and Imprisonment Act, prisoners in long-term prisons have the right to work, study, engage in leisure activities, outdoor life and physical culture, have access to the health services and the services of ministers of religion, and have the right to receive visits during visiting hours and to receive telephone calls when circumstances permit. Permission may be given for prisoners to engage in work and study outside the prison. Prisoners have the right to receive visits from their immediate family during special visiting hours and to receive telephone calls from outside the prison to the extent that conditions in the prison allow.

377. Part of a prison sentence may be served in a special institution, for example a centre for the treatment of drug abusers.

(iii) The punishment of young offenders, particularly as regards the ban on capital punishment and life imprisonment (art. 37 (a))

378. Mention has been made above of provisions in the Penal Code for seeking to defer the issue of charges and the determination of punishment, or the suspension of sentence, when criminal cases involve young persons. Under Chapter VIII of the Penal Code, punishments imposed are generally lighter in the case of young persons. Punishments may be reduced beyond the prescribed

minimum when the offence has been committed by a person who has not attained the age of 18 years when, taking his age into account, full punishment may be considered unnecessary or damaging.

379. A young person under the age of 18 years may not be sentenced to more than eight years' imprisonment. Capital punishment is not permitted under Icelandic law.

(iv) Physical and psychological recovery (art. 39)

380. Reference is made to the discussion of the Icelandic health system in section VII of this report.

C. Child abuse. Physical and psychological recovery and social integration (art. 39)

(i) Economic exploitation, including child labour (art. 32)

381. There are many statutory provisions intended to prevent an excessive workload on children, though child labour as such is not involved.

382. Under article 54 of the Protection of Children and Young Persons Act, child welfare committees are to ensure that children and young persons are not strained by hard work or work which is injurious to health, or by long working hours, by being deprived of sleep, or by abnormal types of work.

383. Children of compulsory school age, i.e. aged 6-16 years, may not engage in work during the school's period of operation if it results in their being unable to pursue their studies properly or enjoy necessary rest (cf. the Primary School Act, No. 49 of 1991). It is very common that Icelandic teenagers work in the summer school holidays from the age of 13; the primary and secondary schools have summer holidays ranging from 3 to 4 months. Most local authorities run special youth employment schemes for 13 and 14-year-olds in the summer, mainly involving gardening and cleaning work. It is fairly common for secondary school pupils to work concurrently with their school studies in order to earn pocket money.

384. Section X of the Hygiene and Safety at Work Act, No. 46 of 1980, deals with work by children and young persons. Children under the age of 14 may not be engaged for work unless the tasks involved are light and do not involve risk. Children under the age of 15 may not be made to work with dangerous machinery or under dangerous conditions. The Occupational Safety and Health Administration publishes a booklet which is sent to all employers and which defines jobs which are regarded as light and not involving risk. Questions on these matters may be put to the administration, and it may also be notified if the rules of the Hygiene and Safety at Work Act are infringed. The working hours of children aged 14 and 15 may not exceed the normal working hours of adults employed in the same occupation, and young persons aged 16 and 17 years may not work more than 10 hours per day. They shall receive at least 12 hours' rest per day, the rest period normally being between 19.00 hours and 07.00 hours. Violations of these provisions are punishable by fines unless heavier punishments are prescribed in other statutes.

385. Under the Personal Competence Act, a person becomes competent to manage his own affairs at the age of 16, and is able from that time to decide on his place of residence and occupation. Thus, he is able to enter into a work contract of his own accord and without the permission of his legal guardian. The condition for managing one's own financial affairs is the attainment of the age of 18, the general rule being that one must have reached this age in order to be able to dispose of one's own financial assets. The exception to this is that a person who has not yet acquired the competence to manage his own financial affairs may dispose of money which he has already earned by his own work, mental or physical. The authorization to dispose of one's wages is not connected with the age of personal competence nor any other particular age. In cases involving extremely large earnings, or where a person who has not acquired financial competence behaves irresponsibly with money, the magistrate may authorize his legal guardian to take some or all of the money for safekeeping.

(ii) Illicit use of narcotic drugs (art. 33)

386. The possession and handling of narcotic drugs is not permitted in Iceland. The Narcotic Drugs Act, No. 65 of 1974, contains a more detailed list of the drugs which fall into the category of narcotics. The import, export, sale, purchase, exchange, delivery, receipt, manufacture, production and possession of these substances is banned, with exceptions applying in connection with the sale of medicines. Violations of the Narcotic Drugs Act are punishable by fines, custody or imprisonment of up to six years. Article 173 *a* of the Penal Code imposes heavy penalties for the sale of narcotics, stating that any person who, in contravention of the Narcotic Drugs Act, supplies many persons with narcotic drugs or delivers them in return for substantial remuneration shall incur up to 10 years' imprisonment. The same punishment applies to the production, import, export, purchase, release, receipt or possession of narcotics. Finally, article 173 *b* of the same Act states that the same punishment applies to the receipt of profits, or earning of profits for oneself or other persons, of the narcotics offences listed above.

387. Iceland is a signatory of the Single Convention on Narcotic Drugs of 1961. The ratification of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 is being prepared.

388. One of the aims of the Protection of Children and Young Persons Act is that the child welfare committees should work against the use of all forms of intoxicants by children and young persons in their area. Under the Alcoholic Beverages Act, No. 62 of 1969, this is also one of the tasks of the alcohol abuse prevention committees. The child welfare committees are also to take measures to make those who sell, supply or serve children or young persons with intoxicants answer for their actions according to law. It has been mentioned above that if a child welfare committee considers it unavoidable to place a young person who has attained the age of personal competence in an institution against his will because he is seriously jeopardizing his own health or development by drug abuse, the committee may,

under the Personal Competence Act, seek the approval of the Ministry of Justice for the placement of the young person in a hospital or a department of the State Institution for Maladjusted Youth for drug abusers.

389. In 1991, Iceland's first treatment centre for young drug abusers aged 14-18 years was opened. The centre is run by the State and is intended to serve the whole country. Young persons who have drug problems are offered eight-week courses of treatment to overcome their addiction, followed by 18 weeks' follow-up treatment. Their families are also offered counselling. The treatment centre is administered by the Ministry of Social Affairs.

390. The Ministry of Health runs programmes of preventive work in primary schools against drug abuse, the consumption of alcohol and tobacco smoking. For a long time, the local authorities have also mounted preventive campaigns in the primary schools against intoxicants. There is a special drug information centre in Reykjavík, run by the non-governmental organization Parents for Drug-Free Youth and the Icelandic Good-Templar Youth Association. Many other non-governmental organizations in Iceland work at preventive measures.

391. There are no known examples of children having worked at the production of narcotics in Iceland, and in fact cases involving the production of narcotics have been extremely rare, with most drug offences involving the import and sale of drugs.

(iii) Sexual exploitation and sexual abuse (art. 34)

392. Section XXII of the Penal Code, which covers sexual offences, contains a large number of provisions aimed at protecting children from sexual abuse, with heavy penalties imposed for such offences. Under these provisions, sexual intercourse or other sexual acts with a child under the age of 14 is punishable by up to 12 years' imprisonment. Other sexual harassment is punishable by up to four years' imprisonment. Enticing young persons in the age range 14-16 years by means of deception, gifts or any other method to engage in sexual intercourse or other sexual acts is punishable by up to four years' imprisonment. Up to 6 years' imprisonment is prescribed for having sexual intercourse with one's own child or relative, and up to 10 years' imprisonment in cases where the child is under the age of 16. Other sexual advances towards one's own child or another relative are punishable by up to two years' imprisonment, and up to four years' imprisonment in cases where the child is under the age of 16. Comparable penalties are imposed to protect adopted children, stepchildren, the children of a cohabiting spouse and young persons who are entrusted to a person for education or raising.

393. Over the last decade there has been a great deal more general discussion in society of the sexual abuse of children within the family and assistance to children who are the victims of such abuse. At the same time, there have been great advances in the investigation of such cases; in particular, these have taken the form of officials demonstrating greater consideration and understanding towards the victims during the investigation of the cases. There has been a rise in the number of cases involving sexual offences towards children. A report published in 1991 by the Reykjavík Social Welfare Department on sexual violence towards children and young persons included a

study of cases referred to the department between 1 January 1983 and 31 March 1990. This revealed an increase in the number of cases involving sexual offences towards children from 6 in 1987 to 20 in 1988 and 24 in 1989. The alleged offender in the majority of incidents was the father or step-father of the child. In 1992, a group formed to handle sexual offence cases on behalf of the department received 43 cases, involving 60 alleged victims: 48 girls and 12 boys. The average age of the children was eight years. Twelve cases, 28 per cent of the total, were reported to the State Criminal Investigation Police. Since 1991, the Reykjavík Child Welfare Committee and the State Criminal Investigation Police have worked closely together on the handling of sexual offences involving children.

394. The increase in the number of cases involving sexual offences against children is not taken as necessarily indicating that the number of such offences has risen, but rather as a consequence of there being far more open discussion of these matters than there used to be. Under the Protection of Children and Young Persons Act, a child welfare committee may deprive one or both parents of custody by means of an order if the child is abused, sexually maltreated or is forced to suffer serious mental or physical harassment or degradation in the home. The Protection of Children and Young Persons Act also states the obligation to inform the local child welfare committee if the suspicion arises that a child is being maltreated or if the circumstances in which it lives are deficient, and this also applies in the case of a suspicion of the sexual abuse of a child.

395. To engage in prostitution for one's living is punishable by up to two years' imprisonment. A heavier penalty (up to four years' imprisonment) is imposed for making one's living from the promiscuity of others or luring, encouraging or assisting a young person under the age of 18 to make his or her living from promiscuity. The same punishment also applies to encouraging another person to leave or enter the country for the purpose of making his living from promiscuity if the person concerned is under the age of 21 years and he or she is not aware of the aim of the journey.

396. Pornography is punishable under the Penal Code, and fines or custody or imprisonment of up to six months may be imposed for producing or importing for the purpose of distribution, selling, distributing or disseminating in another manner pornographic literature, pornographic pictures or other similar items or having them on public display, and for organising a public lecture or play which is immoral in the same way. It is specifically stated that the same punishment applies to giving young persons under the age of 18 pornographic literature, pornographic pictures or other similar items.

(iv) Other exploitation of children (art. 36)

397. Icelandic law does not contain special legal provisions specifying punishment in the event of forms of exploitation of children other than those mentioned above. However, it is a fundamental point of view in the Protection of Children and Young Persons Act that the welfare of the child should be given priority, and remedies are prescribed for use when this welfare is threatened in any way.

(v) The sale and abduction of children. Traffic in children (art. 35)

398. Icelandic legislation does not contain provisions specifically prohibiting the sale or abduction of children. Section XXIV of the Penal Code covers offences against individual liberty; the sale and abduction of children would doubtless fall under these provisions. Article 226 of the Code states that any person who deprives another person of his liberty shall be punished by up to four years' imprisonment. If the deprivation of liberty is carried out for the purpose of gain, or lasts a long time, and also if the person is taken away to another country or placed in the power of others who have no right thereto, then the penalty is far heavier: imprisonment of not less than 1 year and up to 16 years or life imprisonment. No case has occurred in Iceland where children have been abducted for sale, and systematic traffic in children has never come to light in Iceland. On the other hand, cases have occurred in which non-custodial parents have taken their children out of the country illegally; reference is made to the discussion of article 11 of the Convention above.

D. Children belonging to ethnic minorities or indigenous peoples (art. 30)

399. Icelanders constitute a single nation in a single, clearly demarcated country where everyone speaks the same language without significant dialect differences and shares the same cultural heritage. The nation is very small, and due to the geographical position of the country it has been clearly differentiated and has not been exposed to mixture with other nations. Thus, Icelandic society is in fact relatively homogenous, and there are nc minority ethnic groups in terms of national customs or languages. Icelanders are the descendants of Norwegian settlers who populated the country in the ninth century, before which it was uninhabited. Thus, there have never been indigenous groups in Iceland.

400. There are relatively few refugees in Iceland, though five groups of refugees have entered the country since 1956 in accordance with the decision of the Government. Altogether, 207 refugees have entered the country, an average of 5 per year. Over the same period, 45 relatives of these refugees have come to Iceland. Paragraph 345 of this report contains a further breakdown showing where these refugees have come from. Very few people who can be considered refugees made their way to Iceland; consequently, applications for asylum are rare.

401. A total of 4,825 foreign nationals were resident in Iceland on 1 December 1993, which represents a slight drop from the numbers for previous years. Of this number, nationals of other Nordic countries numbered 1,657, or about one third of all foreign nationals in Iceland. Foreign nationals currently constitute 1.8 per cent of the total population. If, on the other hand, the figures for Icelandic citizens born abroad are examined, the figure is rather higher. Of Icelandic citizens resident in Iceland, 10,420, or about 4 per cent of all Icelandic citizens, were born abroad; of this number, nearly half were born in the other Nordic countries. It should be remembered that the figures for Icelandic citizens born abroad include both those who were born Icelandic citizens abroad and foreign citizens who have immigrated to Iceland and taken Icelandic citizenship. When discussing the number of foreigners in Iceland, it is realistic to assume that the figure lies in the

range 2-4 per cent of the population; this takes into account both foreign nationals living in Iceland and people of foreign origin who have moved to Iceland and become Icelandic citizens.

402. The number of religious denominations is described in the discussion of article 14 of the Convention above. The vast majority of their members are Icelanders, and they are not in any way distinguishable from other groups in society. Regarding the right of religious groups to confess and practise their faith, reference is once again made to the discussion of article 14 of the Convention.